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Massachusetts (Colony) Laws statutes, etc

THE

# ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

## PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

---

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

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VOLUME XVIII.,  
BEING VOLUME XIII. OF THE APPENDIX.

CONTAINING

RESOLVES, ETC., 1765-1774.

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BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.

1912.

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8-4-11-6-17-18  
RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1765-66.





# LEGISLATIVE LIST<sup>1</sup>

FOR

1765-66.

HIS EXCELLENCY FRANCIS BERNARD,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

HON. THOMAS HUTCHINSON	}	ESQRS.
BENJAMIN LYNDE		
SAMUEL DANFORTH		
ANDREW OLIVER		
ISAAC ROYALL		
JOHN ERVING		
JAMES BOWDOIN		
THOMAS HUBBARD		
ISRAEL WILLIAMS		

HARRISON GRAY	}	ESQRS.
JOHN CHOATE		
JAMES RUSSELL		
THOMAS FLUCKER		
NATHANIEL ROPES		
TIMOTHY PAINE		
ROYALL TYLER		
ANDREW BELCHER		
JOHN CHANDLER		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

GEORGE LEONARD	}	ESQRS.
GAMALIEL BRADFORD		

PETER OLIVER	}	ESQRS.
JAMES OTIS		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

JOHN HILL, NATHANIEL SPARHAWK & JOHN BRADBURY, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc & Nova Scotia ;*

WILLIAM BRATTLE, Esq.

<sup>1</sup> See Legislative Records of the Council, xxvi., 1-5.

*For the Province, at large:—*

BENJAMIN LINCOLN &amp; EDMUND TROWBRIDGE, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 29, 1765 to April 5, 1766.*

MR. SAMUEL WHITE, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , <sup>1</sup>	Hon. James Otis, Esq.,
	Thomas Cushing, Esq.,
	Oxenbridge Thacher, Esq.,
	Mr. Thomas Gray.
<i>Roxbury</i> ,	Joseph Williams, Esq.
<i>Dorchester</i> ,	John Robinson, Esq.
<i>Milton</i> ,	Stephen Miller, Esq.
<i>Braintree</i> ,	Capt. Ebenezer Thayer.
<i>Weymouth</i> ,	James Humphrey, Esq.
<i>Hingham</i> ,	Mr. Joshua Hearsey.
<i>Dedham</i> ,	Samuel Dexter, Esq.
<i>Medfield</i> ,	Mr. Seth Clark.
<i>Stoughton</i> ,	Mr. Daniel Richards.
<i>Medway</i> ,	Elisha Adams, Esq.

## COUNTY OF ESSEX.

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	William Brown, Esq.
<i>Ipswich</i> ,	Dr. John Calef.
<i>Newbury</i> ,	Joseph Gerrish, Esq.
<i>Newburyport</i> ,	Dudley Atkins, Esq.
<i>Marblehead</i> ,	Jacob Fowle, Esq.,
	William Bourn, Esq.
<i>Lynn</i> ,	Mr. Ebenezer Burrill.
<i>Andover</i> ,	Samuel Phillips, Esq.
<i>Beverly</i> ,	Mr. Henry Herrick.
<i>Rowley</i> ,	Humphrey Hopson, Esq.
<i>Salisbury</i> ,	Caleb Cushing, Esq.
<i>Haverhill</i> ,	Richard Saltonstall, Esq.
<i>Glocester</i> ,	Thomas Saunders, Esq.,
	Nathaniel Allen, Esq.
<i>Boxford</i> ,	Aaron Wood, Esq.
<i>Almsbury</i> ,	Isaac Merrill, Esq.
<i>Bradford</i> ,	Benjamin Mulliken, Esq.
<i>Danvers</i> ,	Mr. Thomas Porter.
<i>Topsfield</i> ,	Mr. Samuel Smith.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> ,	Andrew Bordman, Esq.,
	Joseph Lee, Esq.

COUNTY OF MIDDLESEX — *Concluded.*

<i>Charlestown</i> ,	Capt. Edward Sheafe.
<i>Woburne</i> ,	James Fowle, Esq.
<i>Concord</i> ,	Charles Prescott, Esq.
<i>Reading</i> ,	Ebenezer Nichols, Esq.
<i>Newton</i> ,	Capt. Abraham Fuller.
<i>Marlborough</i> ,	Mr. Samuel Witt.
<i>Watertown</i> ,	Mr. Daniel Whitney.
<i>Groton</i> ,	} Abel Lawrence, Esq.
<i>Shirley &amp; Pepperrell</i> ,	
<i>Billerica</i> ,	Capt. Enoch Kidder.
<i>Framingham</i> ,	Joseph Buckminster, Esq.
<i>Lexington</i> ,	William Read, Esq.
<i>Weston</i> ,	Mr. Abraham Bigelow.
<i>Chelmsford</i> ,	Sampson Stoddard, Esq.
<i>Malden</i> ,	Capt. Ebenezer Harden. <sup>2</sup>
<i>Medford</i> ,	Stephen Hall, Esq.
<i>Sudbury</i> ,	John Noyes, Esq.
<i>Waltham</i> ,	Capt. Jonas Dix.
<i>Lincoln</i> ,	Hon. Chambers Russell, Esq.
<i>Westford</i> ,	Capt. Jonas Prescott.
<i>Hopkinton</i> ,	John Jones, Esq.
<i>Stowe</i> ,	Henry Gardner, Esq.

## COUNTY OF HAMPSHIRE.

<i>Springfield &amp;</i>	} John Worthington, Esq.
<i>Wilbraham</i> ,	
	} Josiah Dwight, Esq.
<i>Northampton &amp;</i>	} Timothy Dwight, Esq.
<i>Southampton</i> ,	
<i>Hadley</i> ,	} Mr. Daniel Nash.
<i>South Hadley and Amherst</i> ,	
<i>Hatfield</i> ,	Oliver Partridge, Esq.
<i>Deerfield &amp;</i>	} Mr. Jonathan Ashley,
<i>Greenfield</i> ,	
	} Jr.
<i>Westfield</i> ,	Eldad Taylor, Esq.
<i>Brimfield and</i>	} Daniel Burt, Esq.
<i>South Brimfield</i> ,	

<sup>1</sup> Samuel Adams, chosen Representative from Boston, September 27, 1765. — House Journal, p. 129.<sup>2</sup> House Journal, p. 4, reads, "Harnden."

COUNTY OF WORCESTER.<sup>1</sup>

<i>Worcester</i> , . . .	John Chandler, Esq.
<i>Lancaster</i> , . . .	Mr. David Wilder.
<i>Brookfield</i> , . . .	Jedediah Foster, Esq.
<i>Sutton</i> , . . .	Capt. Henry King.
<i>Rutland and</i> <i>Rutland Dis-</i> <i>trict</i> , . . .	} John Murray, Esq.
<i>Westborough</i> , . . .	
<i>Southborough</i> , . . .	Francis Whipple, Esq.
<i>Hardwicke</i> , . . .	Ezra Taylor, Esq.
	Hon. Timothy Ruggles, Esq.
<i>Shrewsbury</i> , . . .	Artemas Ward, Esq.
<i>Sturbridge</i> , . . .	Moses Marcy, Esq.
<i>Bolton</i> , . . .	John Whitcomb, Esq.
<i>Oxford &amp;</i> <i>Charlton</i> , . . .	} Mr. Josiah Wolcott.
<i>Leicester, Spen-</i> <i>cer, &amp; Paxton</i> , . . .	
<i>Mendon</i> , . . .	Mr. Joseph Dorr, Jr.
<i>Harvard</i> , . . .	Capt. Israel Taylor.
<i>Lunenburg and</i> <i>Fitchburgh</i> , . . .	} Edward Hartwell, Esq.

## COUNTY OF PLYMOUTH.

<i>Plymouth</i> , . . .	Thomas Foster, Esq.
<i>Scituate</i> , . . .	Thomas Clap, Esq.
<i>Marshfield</i> , . . .	John Winslow, Esq.
<i>Duxbury</i> , . . .	Briggs Alden, Esq.
<i>Bridgewater</i> , . . .	Daniel Howard, Esq.
<i>Middleborough</i> , . . .	Daniel Oliver, Esq.
<i>Rochester</i> , . . .	Mr. Elisha Barrow.
<i>Plympton</i> , . . .	Capt. John Bradford.
<i>Pembroke</i> , . . .	Josiah Keen, Esq.
<i>Abington</i> , . . .	Mr. Samuel Pool.

## COUNTY OF BARNSTABLE.

<i>Barnstable</i> , . . .	Nymphas Marston, Esq.
<i>Sandwich</i> , . . .	Mr. Stephen Nye.
<i>Eastham and</i> <i>Wellfleet</i> , . . .	} Jonathan Doane, Esq.

COUNTY OF BARNSTABLE — *Concluded.*

<i>Harwich</i> , . . .	Chillingworth Foster, Esq.
<i>Yarmouth</i> , . . .	Mr. David Thacher.

## COUNTY OF BRISTOL.

<i>Taunton</i> , . . .	Hon. Samuel White, Esq., Speaker.
<i>Rehoboth</i> , . . .	Capt. James Clay.
<i>Swansey</i> , . . .	Jerathmeel Bowers, Esq.
<i>Dighton</i> , . . .	Ezra Richmond, Esq.
<i>Dartmouth</i> , . . .	Mr. Walter Spooner.
<i>Norton</i> , . . .	George Leonard, Jr., Esq.
<i>Attleborough</i> , . . .	Mr. Ebenezer Lane.
<i>Freetown</i> , . . .	Mr. Thomas Durfee.

COUNTY OF YORK.<sup>2</sup>

<i>York</i> , . . .	Jonathan Sayward, Esq.
<i>Kittery</i> , . . .	James Gowen, Esq.
<i>Wells</i> , . . .	Joseph Sayer, Esq.
<i>Berwick</i> , . . .	Benjamin Chadburn, Esq.

## DUKES COUNTY.

<i>Tisbury</i> , . . .	James Athearn, Esq.
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## IN THE COUNTY OF NANTUCKET.

<i>Sherburne</i> , . . .	Abishai Folger, Esq. .
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## COUNTY OF CUMBERLAND.

<i>Falmouth</i> , . . .	Samuel Waldo, Esq.
<i>Scarborough</i> , . . .	Mr. John Stuart.
<i>North Yarmouth</i> , . . .	Jeremiah Powell, Esq.
<i>Gorham</i> , . . .	Solomon Lombard, Esq.

COUNTY OF BERKSHIRE.<sup>3</sup>

<i>Stockbridge</i> , . . .	Timothy Woodbridge, Esq.
<i>Pittsfield</i> , . . .	William Williams, Esq.

<sup>1</sup> Ephraim Doolittle, chosen Representative from Worcester, September 27, 1765, in place of John Chandler, who was called to the Council. — House Journal, pp. 127, 128.

<sup>2</sup> Mr. Thomas Perkins, chosen Representative from Arundell, June 22, 1765. — House Journal, p. 88. Samuel Jordan, chosen Representative from Biddeford, October 24, 1765. — House Journal, pp. 130, 131.

<sup>3</sup> John Chadwick, chosen Representative from Tyngingham, June 7, 1765. — House Journal, p. 40.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1765.

## CHAPTER 1.

### VOTE APPOINTING A COMMITTEE FOR THE REPAIRS OF CASTLE WILLIAM.

THE TWO HOUSES according to agreement, proceeded to the choice of a Committee to take care of the Repairs that shall be necessary to be made at Castle William the present year; and the Votes being brought in, sorted and counted; it appeared that Thomas Hubbard, Royall Tyler and Thomas Cushing Esq<sup>s</sup> M<sup>r</sup> Thomas Gray and Capt Edward Sheaffe were chosen by a majority of the Votes. [*Passed May 31.*]

Legislative  
Records of the  
Council, xxvi., 9.

Legislative  
Records of the  
Council,  
xxvi., 8.  
House Jour-  
nal, p. 14.

## CHAPTER 2.

### RESOLVE IMPOWERING THO<sup>s</sup> HUTCHINSON TO EXECUTE A DEED AND TO BRING ACTIONS OF EJECTMENT AGAINST PERSONS ILLEGALLY OCCUPYING PROVINCE LANDS, TO SELL THE SAME AND GIVE DEEDS THEREOF.

A MEMORIAL of Thomas Hutchinson Esq<sup>r</sup> Setting forth That having been long since appointed one of the Commissioners for finishing the £100,000 Loan, and the whole being compleated except the Sale of one piece or tract of Land in Hanover; three others in Rochester and one in middleborough; he hath after many attempts viz<sup>t</sup> on the 23<sup>d</sup> of may last Sold the tract in Hanover being twenty acres to Benj<sup>a</sup> Stockbridge Esq<sup>r</sup> for £27.6.8 and praying that the said Sale may be confirmed, and that he may be specially im-  
powered to give a sufficient Deed therefor.

Legislative  
Records of the  
Council, xxvi.,  
11. Mass.  
Archives, civ.,  
346.

Mass.  
Archives, civ.,  
345. House  
Journal, pp. 21,  
22, 23. Prov-  
ince Laws,  
xiii., 42, chap.  
66.

That no purchasers have appeared for the other tracts owing in part as he imagines to this cause viz<sup>t</sup> That since possession was delivered to the province certain persons have entered upon and improved them; that the said Lands are extremely poor, and in the whole do not amount to 200 Acres. That John Jeffries Esq<sup>r</sup> with himself are the only surviving Commissioners of this Loan, and he apprehends a special authority will be necessary to eject the persons in possession, and to give a title to the Lands after they are recovered. And praying that the Court would take such order therein as they in their wisdom shall think meet.

Read and

*Resolved* that the Hon<sup>ble</sup> Thomas Hutchinson Esq<sup>r</sup> be and hereby is fully Impowered to Give a good and Sufficient Deed of the twenty

acres of Land Mentioned in the memorial Sold to Benjamin stockbridge Esq<sup>r</sup> the money for which s<sup>d</sup> Land was sold to be Returned into the Province Treasury, and that y<sup>e</sup> said Hon<sup>ble</sup> Thomas Hutchinson Esq<sup>r</sup> be & hereby is fully Impowered to bring actions of Ejectment on any Persons that may be in Possession of any of the other Tracts of Land mentioned in said memorial: and Prosecute y<sup>e</sup> Same to Effect and to sell and dispose of the whole of said Lands and Give Good and sufficient Deeds of the same in behalf of the Province and Pay y<sup>e</sup> money produced by y<sup>e</sup> sale of said Lands into the Province Treasury that so the whole affair may be finished. [*Passed June 4.*]

### CHAPTER 3.

RESOLVE SETTING OFF DAVID AND JAMES EDSON WITH THEIR ESTATES FROM THE EAST PRECINCT IN BRIDGEWATER TO THE NORTH PRECINCT THEREOF.

Legislative  
Records of the  
Council, xxvi.,  
12.

House Jour-  
nal, p. 23.

A PETITION of David Edson and James Edson both of the East precinct in Bridgewater Setting forth That they live remote from the House for Public Worship in the s<sup>d</sup> East precinct, and much nearer to that in the north precinct, whereupon they have applied to be dismissed from the said East precinct and admitted into the north; and the said precincts have accordingly granted the prayer of their said petitions, excepting only their meadow at a place called Snells meadow, which it is agreed shall remain to the East precinct. And praying that this Court would set off them & their Estates excepting as aforesaid to the north precinct accordingly.

[Read and]

*Resolved* that the prayer of this petition be granted, and that the Petitioners David Edson and James Edson with their Families and Estates except their meadow at a place called Snell's meadow, be and hereby are set off from the East precinct in Bridgewater and annexed to the north precinct in Bridgewater, there to do duty and receive priviledges. [*Passed June 5.*]

### CHAPTER 4.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
13.

House Jour-  
nal, pp. 14, 29.  
Province  
Laws, xvi., 573,  
chap. 18; xvii.,  
528, chap. 39.

THE ACCOUNT of John Chandler Esq<sup>r</sup> Treasurer of the County of Worcester, having been laid before the Court for their allowance, the following Order passed thereon viz<sup>t</sup>

Read and

*Resolved* that the within account being right cast and well Vouched be allowed, and that the Treasurer be discharged of the Sum of £275.9.1¾ which he has paid by the Order of the Court of Sessions, and that the balance of the Sum of £118.19.4¼ exclusive of the Taxes laid on the Town of Woodstock still remaining due to the County, and is outstanding in the hands of several Constables, he be further accountable for when by him received. [*Passed June 5.*]

## CHAPTER 5.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

THE ACCOUNT of John Cotton Esq<sup>r</sup> Treasurer of the County of Plymouth, having been laid before the Court for their allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
13.

Read and

House Jour-  
nal, pp. 14, 29.

*Resolved* that the within Account being right cast and well vouched, be allowed, and that the Treasurer be discharged of the Sum of One hundred twenty two pounds, twelve shillings and two pence, which he has paid by the order of the Court of Sessions, and that a balance of the Sum of Sixty one pounds and five shillings due to the County, he be further accountable for. [*Passed June 5.*]

## CHAPTER 6.

## RESOLVE ALLOWING THE ACCOUNT OF THE TRUSTEES OF HASSANAMISCO INDIANS.

THE ACCOUNT of Artemus Ward Esq<sup>r</sup> and others, Trustees of the Hassanamisco Indians, having been laid before the Court for their allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
14. Mass.  
Archives,  
xxxiii., 334.

Read and

*Resolved* that the within accounts are right cast and well vouched and that the Ball<sup>a</sup> of six pounds seven Shill<sup>gs</sup> and four pence due to the said Indians the Trustees be further Accountable for. [*Passed June 5.*]

Mass.  
Archives,  
xxxiii., 333.  
House Jour-  
nal, p. 28.  
Province  
Laws, xvii.,  
269, chap. 104.

## CHAPTER 7.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

THE ACCOUNT of Solomon Otis Treasurer for the County of Barnstable having been laid before the Court for their allowance the following Order passed thereon Viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
15.

Read and

House Jour-  
nal, pp. 14, 32.

*Resolved* that the within Account being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of One hundred and fifty eight pounds fifteen shillings and seven pence farthing which he has paid by order of the Court of Sessions; and that a balance of three pounds, seven shillings & 7<sup>d</sup><sub>3</sub><sup>4</sup> due to the County he be further accountable for. [*Passed June 6.*]

## CHAPTER 8.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
15.

House Jour-  
nal, pp. 14, 31,  
32.

THE ACCOUNT of John Choate Esq<sup>r</sup> Treasurer for the County of Essex having been laid before the Court for their allowance, the following Order passed thereon viz<sup>t</sup>

Read and

*Resolved* that the within Account being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of Eight hundred and ninety pounds fourteen shillings and a half penny which he has paid by order of the Court of Sessions, and that a balance of Twelve hundred and eighty two pounds, eleven shillings and six pence due to the County he be further accountable for. [*Passed June 6.*]

## CHAPTER 9.

## RESOLVE IMPOWERING THE SEVERAL TOWNS IN THE COUNTY OF YORK TO CHOOSE A COUNTY TREASURER.

Legislative  
Records of the  
Council, xxvi.,  
15.

House Jour-  
nal, pp. 34, 35.  
Province  
Laws, i., 63,  
chap. 27.

WHEREAS it appears that the several Towns in the County of York in March last did vote for a County Treasurer, and Return of the Votes was made to the Court of General Sessions of the peace held in said County in April last past and upon Counting the Votes it appeared that there was no Majority of Votes for any person to be Treasurer of said County the current year: And being no provision in the Law to enable the Towns in said County to proceed to the choice of a County Treasurer the present year without the aid of this Court. Therefore

*Resolved*, That the several Towns in the County of York at their Meetings legally called and held for that purpose, are hereby empowered to proceed to the choice of a County Treasurer, they observing the Rules of the Laws relating to the choice of County Treasurers, and the Votes being returned to the next Court of General Sessions of the peace to be holden in said County, the person appearing to be chosen by the Majority of Votes, be as fully empowered to act as Treasurer for said County to all intents and purposes the current year, as if he had been chosen in March last. [*Passed June 6.*]

## CHAPTER 10.

RESOLVE ALLOWING £8 TO ALEX<sup>s</sup> STUART.

Legislative  
Records of the  
Council, xxvi.,  
16. Mass.  
Archives, xva.,  
278.

Mass.  
Archives, xva.,  
277. House  
Journal, pp. 24,  
34. Province  
Laws, xvii.,  
579, chap. 154.

A PETITION of Alexander Stuart Setting forth That the General Court did the last Fall upon his petition representing his distressed Circumstances, grant the Sum of Three pounds for his relief; that the said Sum is expended, and he is now again in the like necessitous circumstances, And praying the further help of the Court.

[Read and]

*Resolved* that the prayer of this Pet<sup>n</sup> be so far granted as that the Province Treasurer be directed to pay into the hands of Cap<sup>t</sup>

Edward Sheaffe A Sum not exceeding eight pounds in order to provide a passage for the Pet<sup>r</sup> to Ireland and for no other purpose. [*Passed June 6.*]

## CHAPTER 11.

## RESOLVE ALLOWING £2. 19. 1 TO RUTH HOLMES.

A PETITION of Ruth Holmes, Widow of Jedediah Holmes late of Middleborough Setting forth, That her said Husband on the 15<sup>th</sup> day of march 1762 inlisted into his majesty's Service in the pay of the Province, was in Cap<sup>t</sup> Ephraim Holmes Company of Col<sup>o</sup> Hoar's Regiment, and marched to Castle William, where he Sickned and Died on the last of April: That he was not made up in any muster Roll, and praying relief.

Read and

*Resolv'd*, that the Widow Ruth Holmes be paid out of the province Treasury, the Sum of two Pounds, nineteen Shillings & a penny, being the Wages, that was due to her late Husband, for the Time he was in his Majesty's Service, which was never receiv'd, by reason of his not being made up in the Muster Roll. The said money to be paid to Dan<sup>l</sup> Oliver Esq<sup>r</sup> for her use. [*Passed June 6.*]

Legislative  
Records of the  
Council, xxvi.,  
16. Mass.  
Archives,  
lxxx., 576.

Mass.  
Archives,  
lxxx., 575.  
House Jour-  
nal, pp. 30, 33.

## CHAPTER 12.

ORDER ALLOWING £1. 2. 6½ TO JOS<sup>u</sup> PERRY.

A PETITION of Joseph Perry Setting forth, That he hath carefully applied to the use of Alexander Stuart the Sum of Three pounds granted him by the General Court, which Money being exhausted he was still obliged to expend upon him the further Sum of One pound two shillings and 6<sup>d</sup> ½ or the said Stuart must have suffered. And praying he may be reimbursed said Sum.

Read and in Answer

*Ordered* that the Sum of One pound two shillings & 6<sup>d</sup> ½ be paid out of the public Treasury to Col<sup>o</sup> Buckminster for the use of the petitioner in consideration of his Expences on said Stuart. And that the s<sup>d</sup> Perry be discharged of the Three pounds which he received out of the Treasury for the use of said Stuart. [*Passed June 6.*]

Legislative  
Records of the  
Council, xxvi.,  
17.

House Jour-  
nal, p. 34.  
*Supra*, chap.  
10.

## CHAPTER 13.

## RESOLVE ALLOWING £2. 18. 10 EACH TO MOSES AND ADONIJAH BALL AND £1. 16. 2 EACH TO DIVERS OTHER PERSONS.

A PETITION of David Twitchell and others, Soldiers in the pay of the Province in Cap<sup>t</sup> Page's Company of Col<sup>o</sup> Ruggles's Regiment in 1760 Setting forth That they were by mistake made up in the Roll twenty four days short of the time of their Service. And praying an allowance.

Read (together with the Pet<sup>ns</sup> of Isaac and Moses Ball) and

Legislative  
Records of the  
Council, xxvi.,  
17. Mass.  
Archives,  
lxxx., 577.

Mass.  
Archives,  
lxxx., 577.

House Jour-  
nal, p. 35.

*Resolved* that the following Sums be paid to Cap<sup>t</sup> William Page for the Use of the soldiers hereafter named in full for their pay and billeting Viz

For Moses Ball . . . . .	£2. 18. 10
For Adonijah Ball . . . . .	£2. 18. 10
For David Twitchell . . . . .	} each £1. 16. 2
Eliphalet Morey . . . . .	
Silas Shuttock . . . . .	
Thaddeus Houghton . . . . .	
Stephen Lord . . . . .	

[*Passed June 6.*

## CHAPTER 14.

ORDER IMPOWERING PHINEAS HEYWOOD, GUARDIAN, TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxvi.,  
18.

House Jour-  
nal, pp. 30, 35,  
36.

A PETITION of Phineas Heywood of Shrewsbury, Guardian to Samuel Lee of Rutland District a Man deaf and dumb Setting forth, That the said Samuel Lee hath with the consent of the petitioner taken into his House his Brother Charles Lee a Tanner and allowed him to build a Tan house, and make a Tanyard on a part of his Farm; and that the said Samuel proposes that his Brother Charles should have a Deed of Six acres and eleven Rods of Land where he hath placed the said Tanyard and House: but it being a matter of doubt whether a Conveyance from the said Samuel can be good, as he is under the care of a Guardian; the petitioner prays that he may be Enabled as Guardian to the said Samuel Lee to execute a Deed of the premises.

[*Read and*

*Ordered* that the prayer of the petition be granted, and that the petitioner be and he hereby is fully authorized and impowered to make and Execute a good Deed of Sale to the said Charles Lee of the Six Acres and Eleven Rods of Land mentioned in the said petition; the said Charles paying unto the said Phineas Heywood so much as the same Land is reasonably worth for the use of the said Samuel, and to account for the same with the Judge of Probate for the County of Worcester when required. [*Passed June 7.*

## CHAPTER 15.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 12/ FOR THE EXPENSE THEREOF.

Legislative  
Records of the  
Council, xxvi.,  
20.

House Jour-  
nal, p. 44.  
Province  
Laws, xvii.,  
532, chap. 50.

THE COMMITTEE appointed to Farm out the duties of Excise upon Tea Coffee and China ware in the County of Hampshire reported that they had Sold the same to M<sup>r</sup> William Eastman for Thirty pounds, and had taken Bond for the same, which Bond they had delivered to the Province Treasurer. And praying allowance for their time and expence.

*Read and*

*Ordered* that this Report be accepted; and that the Committee be allowed twelve shillings out of the public Treasury for their time & expence in that affair. [*Passed June 11.*



## CHAPTER 16.

ORDER REMITTING THE TAX FOR 1764 LAID UPON TOWNSHIP N° 4  
[BECKET].

A PETITION of Eldad Taylor Esq<sup>r</sup> in behalf of the Inhabitants of the Township N° 4 in the County of Berkshire Setting forth That apprehending themselves over Rated in the valuation taken in the year 1761, they thereupon applied to the General Court for relief who abated them the Sum of £55.6.3 assessed on them in the year 1761 and the further Sum of £36.17.6 assessed on them in 1763 That there is now a Tax of £36.17.6 laid on them for the year 1764 which they are as unable to pay as either of the former Sums, and the more so, as they have lost their Minister, and met with loss other ways And praying that the Court would again consider the difficulty's they labour under, and grant them relief.

Read and

*Ordered* that the Tax laid upon the Township N° 4 for the Year 1764 as within mentioned be remitted them in consideration of the Losses mentioned. [*Passed June 11.*]

Legislative  
Records of the  
Council, xxvi.,  
20. Mass.  
Archives,  
cxviii., 93.

Mass.  
Archives,  
cxviii., 98.  
House Jour-  
nal, pp. 41, 44,  
45. Province  
Laws, iv., 477,  
chap. 17; 651,  
chap. 10; 711,  
chap. 3; 783,  
note.

## CHAPTER 17.

ORDER REMITTING THE EXCISE ON SPIRITUOUS LIQUORS TO HEWIT  
ROOT.

A PETITION of Hewit Root of Great Barrington, Setting forth That he hath for divers years past been Licensed to keep a public House in s<sup>d</sup> Town; That in Novem<sup>r</sup> last his House took fire in the Night and was burnt down with a great part of his Goods and Effects, that he saved one hogshead of Rum, the most of which he expended on his friends and Workmen who assisted in setting him up another House. And praying that in consideration of his loss and expence aforesaid his Excise for the present year may be remitted him.

Read and

*Ordered* that the Excise upon what Spirituous Liquors the Pet<sup>r</sup> shall have Sold within the Space of one Year commencing from the first Tuesday of September last be remitted to the Pet<sup>r</sup> provided the quantity does not exceed three hundred Gallons. [*Passed June 12.*]

Legislative  
Records of the  
Council, xxvi.,  
23. Mass.  
Archives, cxi.,  
545.

Mass.  
Archives, cxi.,  
544. House  
Journal, pp. 21,  
39. Province  
Laws, iv., 792,  
note.

## CHAPTER 18.

ORDER IMPOWERING JN° BOSWORTH, GUARDIAN, TO JOIN IN A SALE  
OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE  
PROCEEDS.

A PETITION of John Bosworth and Sarah his Wife, Susanna Jackson Spinster, Micah Gurney & Hope his Wife, & Jn° Bosworth Guardian of Hannah Jackson, Deborah Jackson & Rebecca Jackson Minors Children of Benjamin Jackson late of Halifax Cordwainer deceased Setting forth, that the said Sarah, Susanna & Hope

Legislative  
Records of the  
Council, xxvi.,  
23.

House Jour-  
nal, p. 47.

with the said Minors are the only Children and Heirs of the said deceased: That he died seized of about twelve or thirteen Acres of Land with a small Dwelling House and Barn thereon, which cannot be Divided among them. And praying that the said Guardian may be empowered to join with the other Heirs in the Sale of the said Estate; he to be accountable.

Read and

*Ordered* that the prayer of the petition be granted; and that John Bosworth the within named Guardian be, and hereby is authorised & empowered in his said capacity to join with the other Heirs in the Sale of the premises, and to make and Execute a good Deed or Deeds thereof in the Law, he first giving due caution to the Judge of Probate for the County of Plymouth that the proceeds of the said Minors shares coming by said Sale shall be secured for the use and benefit of the said Minors; and provided also that one third part of the annual income or Interest of the Monies coming by such Sale be reserved & secured to the Widow of the deceased during her natural life instead of her Dower in the premises. [*Passed June 12.*]

## CHAPTER 19.

### ORDER IMPOWERING ANN CHENEY TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
24.

House Jour-  
nal, pp. 47, 48.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Ann Cheney Widow of Ephraim Cheney late of Medfield deceased Setting forth That the said deceased left the petitioner the improvement of all the Estate he died possessed of during her natural life, that said Estate consists of a House, Barn & Grist Mill Land &c That by the great Freshets in the Spring the Mill Dam was carried away, and the Mill itself greatly damaged: That neither the petitioner nor any of her Children are able to repair the same; that the Children are all consenting that the said Estate should be Sold, but that one of them being a Minor they are not able to give a title to the Estate. And praying that she may be empowered to execute a good & sufficient Deed to the purchaser or purchasers, she to be accountable.

Read and

*Ordered* that the prayer of the petition be granted, and that Ann Cheney be and hereby is empowered to make Sale of the within mentioned premises for the most they will fetch, and to make and Execute a good Deed or Deeds thereof in the Law; she observing the directions of the Law for the Sale of Real Estates by Executors or Administrators & giving proper caution to the Judge of Probate for the County of Suffolk that the monies arising by the said Sale shall be well secured for the benefit of the Children of the deceased, excepting and reserving the Interest thereof for the use of the petitioner during her natural life. [*Passed June 12.*]



## CHAPTER 20.

## ORDER ALLOWING £6 TO JAMES ADAMS.

A PETITION of James Adams of New Braintree in the County of Worcester Setting forth, That he was in his Majesty's service in 1759 under Cap<sup>t</sup> Robinson, and was as he apprehends intitled to the Province Bounty of Six pounds allowed to those who inlisted for the reasons mentioned in his Petition. And praying that he may be allowed to receive the same.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> recieve Six pounds out of the publick Treasury to be paid into the hands of Brig<sup>a</sup> Ruggles accordingly. [*Passed June 12.*]

Legislative  
Records of the  
Council, xxvi.,  
24. Mass.  
Archives,  
lxxx., 570.

Mass.  
Archives,  
lxxx., 569.  
House Jour-  
nal, pp. 49, 50.  
Province  
Laws, xvi., 308,  
chap. 240.

## CHAPTER 21.

ORDER IMPOWERING SUSANNA SOUTHWORTH, ADM<sup>x</sup> AND GUARDIAN,  
TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO  
THE PROCEEDS.

A PETITION of Susanna Southworth Widow of Nath<sup>l</sup> Southworth of Middleborough Setting forth That the said Nathaniel with divers other persons were interested in a certain parcel of Land on which is built a Dam across Namasket River, and a Saw Mill, Grist Mill & Forge erected thereon. That she finds herself unable to carry on the business with the other partners, and that the deceased left only one Child a daughter: And praying that she may be enabled to Sell the said Estate, the Money arising by said Sale to be improved at Interest for the benefit of herself and her said Child.

Read and

*Ordered*, that the prayer of the within petition be granted, and that the petitioner Susanna Southworth as Admin<sup>x</sup> of the Estate of her late Husband Nathaniel Southworth and Guardian to his only Child a Minor be, and she is hereby impowered to make Sale of the deceaseds interest in the Land and Works thereon, as in said petition mentioned; she observing the directions of the Law for the Sale of Real Estates by Executors or Administrators, and giving sufficient caution to the Judge of Probate for the County of Plymouth, that the proceeds of said Sale together with the Interest thereon shall be paid to the said Minor on her arrival at Age or Marriage: Saving to the said Susanna the lawful Interest of one third part of the said proceeds during her natural life in lieu of her right of dower in the premises. [*Passed June 12.*]

Legislative  
Records of the  
Council, xxvi.,  
25.

House Jour-  
nal, p. 49.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 22.

## ORDER ALLOWING £11. 12. 8 TO THE TOWN OF LEXINGTON.

Legislative  
Records of the  
Council, xxvi.,  
26. Mass.  
Archives,  
lxxx., 572.

Mass.  
Archives,  
lxxx., 571;  
cliii., 43.  
House Jour-  
nal, p. 57.

A PETITION of Hamilton Hussey Setting forth That he was born in the West of England, and being pressed aboard his Majesty's Ship the Deptford came with the forces to Quebec and continued in his majesty's Service till the War ended; that in May 1764 he came to Lexington and was soon after warned out of Town; that he continued there however till the Fall of the year, when he unhappily run a nail into his Knee and put it out of joint, which has rendered him a Cripple ever since: And being a stranger and destitute of friends in the Country praying relief,

Read and

*Ordered* that the Sum of eleven pounds twelve Shillings and eight pence in full discharge of the expences in the Acc<sup>t</sup> annexed be paid out of the publick Treasury to William Reed Esq<sup>r</sup> for the use of the Town of Lexington. [*Passed June 13.*]

## CHAPTER 23.

RESOLVE ALLOWING £42 AND A FURTHER SUM OF £30 TO REV<sup>d</sup> M<sup>r</sup> ELEAZ<sup>r</sup> WHEELOCK.

Legislative  
Records of the  
Council, xxvi.,  
26.

Mass.  
Archives,  
xxxiii., 341.  
House Jour-  
nal, pp. 32, 41,  
47. Province  
Laws, iv., 564,  
note; xvii., 62,  
chap. 150.

A PETITION of the Rev<sup>d</sup> M<sup>r</sup> Eleazer Wheelock of Lebanon Setting forth That he hath so far instructed the six Mohawk Indian Boys in his School whom this Government had taken under their patronage as that they are now qualified to teach School among their own Nation, and it is now thought proper that they should return home for a Season and be employed in that business under the Conduct and direction of several Missionaries who are appointed to go among the Six Nations. That he is encouraged by S<sup>r</sup> W<sup>m</sup> Johnson to expect some more of the Youth. And praying that he may be allowed now to receive the Interest of Sir Peter Warren's Donation for the last half year, and that the Court would continue this allowance to him for the Cloathing these youth that are now going, and for supporting them in their absence; and towards the supporting and instructing three more that will be left still under his care.

[Read and]

*Resolved* that there be paid to the Rev<sup>d</sup> M<sup>r</sup> Eleazer Wheelock the sum of Forty two pounds for the Boarding and Educating the Indian Boys in his petition mentioned for seven Months ending the 27<sup>th</sup> day of June current. And that the further Sum of Thirty pounds be paid to the said M<sup>r</sup> Wheelock in order to Cloath said Indian boys for their decent Return to their friends, and both Sums to be paid out of the Interest of S<sup>r</sup> Peter Warren's Donation; and that the application of such Interest to the maintenance of Indian Boys in the Colony of Connecticut discontinue and cease. [*Passed June 13.*]

## CHAPTER 24.

## RESOLVE IMPOWERING THE GUARDIANS OF NATICK INDIANS TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Morse of Natick in behalf of Hezekiah Comecho, an Indian Orphan of said place about ten years of age Setting forth That the said Hezekiah is Seized in fee of about ten acres of Land which lies at a distance from any Road, and is so broken as to be unfit for a Settlement; that it Rents but for eight shillings a year, whereas the Interest of the Money it would Sell for would probably amount to Six or seven times as much. And praying that the Guardians of the Natick Indians may be impowered to make Sale of the said Land and improve the money it shall sell for, for the benefit of the said Orphan.

Legislative  
Records of the  
Council, xxvi.,  
27. Mass.  
Archives,  
xxxiii., 339.

Mass.  
Archives,  
xxxiii., 338.  
House Jour-  
nal, pp. 37, 56,  
57. Province  
Laws, xvi., 241,  
chap. 76, note.

[Read and]

*Resolved* that the Prayer of this Petition be Granted and that the Gaurdians of the Natick Indians be and are hereby fully Impowered to make Sale of the ten Acres of Land mentioned in Said Petition for the most the Same Will fetch and to execute a Good Deed thereof & the money arising by the Sale thereof Be Put out to Interest for the Benefit of the Said Hezekiah Comecho & paid him when he shall Come of age, the S<sup>d</sup> Gaurdians to be accountable to this Court for their Proceedings. [*Passed June 13.*]

## CHAPTER 25.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF THO<sup>s</sup> TORREY TO RE-ENTER AN ACTION.

A PETITION of Thomas Torrey of Plymouth Setting forth That he was served with a Writ from Robert Williams of Braintree and Summoned to appear at the Inferior Court of Common pleas at Boston in the County of Suffolk on the first Tuesday of July 1764 in which Writ was included Isaac Thomas of Hardwicke in the County of Worcester, who as the petitioner apprehends was never served therewith That the petitioner was not able to appear in Boston on Account of the small pox which was then there; but employed M<sup>r</sup> Adams to appear as his Attorney, that the petitioner however was called out before M<sup>r</sup> Adams got to Boston, and the said Williams recovered Judgment for £9.19.10¼ and Costs taxed at £2.12. And praying that he may be impowered to re-enter his Action, that so the same may be tried at the next Inferior Court of Common pleas to be holden for the County of Suffolk, and that Execution may be stayed in the mean time.

Legislative  
Records of the  
Council, xxvi.,  
27.

House Jour-  
nal, pp. 52, 53,  
56.

[Read and]

*Ordered* that the petitioner Tho<sup>s</sup> Torrey serve the adverse party Robert Williams with a Copy of this petition, that he shew cause if any he hath why the prayer thereof should not be granted on the second Wednesday of the next Sitting of this Court, and that Execution as mentioned in the petition be stayed in the mean time. provided the Petitioner give sufficient security to the Sheriff of the County of Plymouth to pay such Sum as shall finally be adjudged due. [*Passed June 13.*]

## CHAPTER 26.

## RESOLVE IN REGARD TO TAXES IN NEWBURY AND NEWBURYPORT.

Legislative  
Records of the  
Council, xxvi.,  
28.

House Jour-  
nal, pp. 57, 58.  
Province  
Laws, iv., 927,  
note.

WHEREAS the Tax laid upon the Town of Newburyport on the Division of the Tax of the whole Town in the year 1764 was not taken from any valuation and perfect Lists of the assessments laid on the Inhabitants of Newburyport for Lands within the Town of Newbury by said Town, and also on Newbury by Newburyport cannot be obtained for want of time this Session. Therefore;

*Resolved*, That the Assessors of Newbury for the year 1761 together with the Assessors of Newburyport for the present year be directed to prepare such List according to the last valuation taken thro' the Province in the year 1761, and make return of such List to this Court at their next Session; and if it appears by such List that the Tax now laid upon each Town is unequal, it shall then be set right in the next Tax Bill and the Sum or Sums so assessed since the Division of the Town shall be repaid to either Town. [*Passed June 14.*]

## CHAPTER 27.

## RESOLVE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER FROM MAY, 1764, TO MAY 29, 1765, AND DISCHARGING HIM OF £225,363.

Legislative  
Records of the  
Council, xxvi.,  
29.

Legislative  
Records of the  
Council, xxv.,  
242. House  
Journal, p. 50  
(June, 1764);  
p. 45.

AN ACCOUNT of Harrison Gray Esq<sup>r</sup> Treasurer & Receiver General of the Province dated 29<sup>th</sup> May 1765, having been previously examined by the several Committee's of the two Houses respectively, their report was read which is as follows viz<sup>t</sup>

The Committee to whom was referred the Examination of the Acco<sup>ts</sup> of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues within the Province of the Massachusetts Bay in New England beginning the May 1764 ending May 29<sup>th</sup> 1765, having attended that service, upon examining the same, find them right cast and well vouched, by which it appears that the said Accountant chargeth himself with the Sum of Seventy two thousand four hundred ninety three pounds sixteen shillings and five pence being so much due for outstanding debts, with the Sum of One hundred & one thousand nine hundred fifty four pounds, seven shillings and seven pence balance due by the last Account. Also with the Sum of Fifty one thousand eight hundred eighty one pounds, seventeen shillings and three pence a Tax laid upon polls and Estates for the year 1764. also with the Sum of Fifty four thousand seven hundred sixty five pounds, nine shillings received of sundry persons for Bills of Exchange drawn on Jasper Mauduit Esq<sup>r</sup>. Also with the Sum of One hundred thirty one thousand and Sixty three pounds borrowed of sundry persons by virtue of sundry Acts of Government, with the Sum of Twelve hundred, Sixteen pounds, eighteen shillings and four pence received of sundry persons for Lands. With the Sum of Thirty nine pounds twelve shillings & one penny received of Nath<sup>l</sup> Sparhawk Esq<sup>r</sup> being a balance due from the late Sir Will<sup>m</sup> Pepperrell With the Sum of Seventeen thousand nine hundred twenty pounds eight shillings and two pence

received of the Collectors of Excise upon Spirituous Liquors. With the Sum of Eighteen hundred sixty one pounds, fifteen shillings and four pence received of the Treasurer of Pensilvania being so much their Agents received in London of the Parliamentary Grant which should have been paid to the agent of this province. With the sum of Fourteen hundred & eight pounds, eight shillings & eight pence received of the Farmers of Excise upon Tea &c. With the Sum of Forty pounds, thirteen shillings & eight pence received for Fines &c With the Sum of Twenty two hundred, fourteen pounds eighteen shillings and five pence received of the Honourable Commissioner for Impost Duties. All which Sums amount to Four hundred thirty six thousand, eight hundred sixty one pounds, four shillings and eleven pence.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursments, by Order of the Governor by and with the advice of the Council amounting to Twenty thousand nine hundred and fifty pounds twelve shillings and five pence. Also by Government Securities which he has redeemed amounting to One hundred ninety two thousand four hundred fifty four pounds thirteen shillings & six pence which were burnt by a Committee of both Houses. By one years Interest paid on Government Securities amounting to Eleven thousand nine hundred twelve pounds, one shilling and four pence. Also by outstanding Taxes due from the several Towns amounting to Seventy nine thousand, five hundred forty nine pounds nine shillings and two pence. Also by a remittance of a Tax laid upon Narraganset N<sup>o</sup> 1 for the year 1762 by Order of Court amounting to forty four pounds, seven shillings and six pence, and by balance in hand further to account for One hundred, thirty one thousand, nine hundred forty eight pounds, one shilling. All which Sums amount to Four hundred thirty six thousand, eight hundred Sixty one pounds, four shillings & eleven pence.

Whereupon the following Order passed viz<sup>t</sup>

*Resolved*, That the Treasurer be and he hereby is discharged of the several payments in the foregoing Account amounting to Two hundred and twenty five thousand three hundred and Sixty three pounds.

And that he be further accountable for the Sum of Seventy nine thousand, five hundred and forty nine pounds, nine shillings and two pence out standing Taxes due from the several Towns when received into the Treasury. And the further Sum of One hundred thirty one thousand, nine hundred forty eight pounds, one shilling balance in hand. [*Passed June 14.*]

## CHAPTER 28.

### ORDER ALLOWING THE PROVISION ACCOUNT OF THE COMMISSARY GENERAL.

THE COMMITTEE appointed to examine the Accounts of Thomas Hubbard Esq<sup>r</sup> Commissary General, having made Report the following Order passed thereon viz<sup>t</sup>

Read and

*Ordered* that the above Account be allowed; and there is due

Legislative  
Records of the  
Council, xxvi.,  
30.

Legislative  
Records of the  
Council, xxv.,

242. House  
Journal, p. 50  
(June, 1764);  
p. 55.

from the Accomptant to the Province Forty two barrels of Beef, and six Barrels and one quarter of peas, which the said Commissary is further to Account for. [*Passed June 14.*]

## CHAPTER 29.

### ORDER ALLOWING THE INDIAN TRADE ACCOUNT OF THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxvi.,  
31. Mass.  
Archives, cxx.,  
543.

ON THE SAID COMMISSARY'S ACCOUNT of Trade with the Indians.  
Read and

Mass.  
Archives, cxx.,  
541. House  
Journal, p. 55.  
*Supra*, chap.  
28.

*Ordered* that the within account be allowed, and that the ballance thereof being three thousand three hundred and eighty pounds eighteen Shillings and seven pence the within named Thomas Hubbard Esq<sup>r</sup> Commissary General is further to account with this Province for. [*Passed June 14.*]

## CHAPTER 30.

### ORDER ALLOWING THE GENERAL ACCOUNT OF THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxvi.,  
31.

ON THE SAID COMMISSARY GENERAL'S ACCOUNT current.  
Read and

House Jour-  
nal, p. 55.  
*Supra*, chap.  
29.

*Ordered* that the above Account be allowed, and that the balance thereof being One hundred & twenty two pounds, ten shillings and eight pence the said Commissary is further to account with the Province for. [*Passed June 14.*]

## CHAPTER 31.

### ORDER ALLOWING £2.3.8 TO STEPHEN KENT.

Legislative  
Records of the  
Council, xxvi.,  
31. Mass.  
Archives,  
lxxx., 574.

A PETITION of Stephen Kent of Ipswich, Setting forth That he Inlisted into his Majesty's Service in the pay of the Province in 1759 that he was in Cap<sup>t</sup> Whipple's Company of Col<sup>o</sup> Bagley's Regiment, but was prevented by Sickness proceeding with the Company to Louisburgh but upon his recovery he went thither with Cap<sup>t</sup> French to whom he paid four Dollars for his passage. And praying an allowance of that expence and the expence of his billeting till he went.

Read and

Mass.  
Archives,  
lxxx., 574.  
House Jour-  
nal, pp. 38, 59,  
60.

*Ordered* that the sum of two pounds three Shillings and eight pence be paid out of the publick Treasury to D<sup>r</sup> Caleff for the Use of the Petitioner in full. [*Passed June 14.*]



## CHAPTER 32.

## ORDER IMPOWERING ISRAEL PUTNAM, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Israel Putnam of Bedford in the County of middlesex Executor of the last Will and Testament of Benjamin Putnam late of said Bedford deceased Setting forth That the said deceased ordered by his Will so much of his Real Estate to be Sold as should be necessary to pay his Just debts, after that his personal Estate had been applied to that purpose: That the deceaseds Real Estate was Appraised at £320 that the Debts amount to one half that Sum or more; that the Buildings on the said Estate are old, and that the maintaining thereof and the Fences on the premises together with the labour of keeping under the Brush, will require a great part of the Rent; that the deceased left only one Child which is not yet three years of age, whose Interest might be greatly Advanced by Selling the remainder of the s<sup>d</sup> Estate, were the produce of it put out to Interest. And praying that he may be empowered to Sell the said Estate accordingly.

Read and

*Ordered* that the prayer of the petition be granted, and the Petitioner be and hereby is empowered to make Sale of the premises for the most they will fetch, and to make & Execute a good Deed or Deeds thereof in the Law, he observing the Rules of Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> & giving sufficient caution to the Judge of Probate for the county of middlesex that the proceeds arising by such Sale shall be applied to the payment of the just debts of the deceased, and the remainder thereof secured for the benefit of the Heir. [*Passed June 14.*]

Legislative  
Records of the  
Council, xxvi.,  
32.

House Jour-  
nal, pp. 54, 55.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 33.

ORDER IMPOWERING DAV<sup>d</sup> PEARSE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of David Pearse of Gloucester Guardian to Joseph Stevens Pearse a minor Setting forth That the said Joseph is owner of a certain House which is so decayed as not to be tenable, and having no Income wherewith to repair the same, it must drop down and be wholly lost. And praying that he may be empowered to make Sale of the said House, and the Land thereto belonging, he to be accountable.

Read and

*Ordered* that the prayer of the petition be granted, and that the Petitioner be and hereby is empowered to make Sale of the premises for the most they will fetch, and to make & Execute a good Deed thereof in the Law, he observing the directions of the Law for the Sale of Real Estates by Exec<sup>rs</sup> & Admin<sup>rs</sup> & giving proper caution to the Judge of Probate for the County of Essex that the monies arising by said Sale shall be secured for the benefit of the Minor. [*Passed June 14.*]

Legislative  
Records of the  
Council, xxvi.,  
33.

House Jour-  
nal, p. 54.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 34.

ORDER IMPOWERING BETHIAH TAFT, ADM<sup>s</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
34.

House Jour-  
nal, p. 53.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of Bethiah Taft Admin<sup>s</sup> of the Estate of her late husband Aaron Taft of Mendon deceased Setting forth That the deceaseds Debts amount to about £34 more than his personal Estate: that he left a numerous Family of young Children, and that if she should be obliged to sell off the Stock and Moveables, she should be unable to support herself and Children. That her husband about ten Months before his decease purchased 15½ Acres of Land lying about ¾ of a Mile distant from his Homestead, which in the time of his Sickness he desired might be Sold in order to pay his Debts and help support his family, And praying that she may be Enabled to Sell the same for the forementioned purposes.

Read and

*Ordered* that the prayer of the petition be granted, and that Bethiah Taft the petitioner be and hereby is impowered to make Sale of the premises for the most they will fetch, & to make and Execute a good Deed or Deeds thereof in the Law: She observing the directions of Law for the Sale of Real Estates by Executors & Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Worcester that the proceeds arising by such Sale be applied for the payment of the deceaseds debts, and the Overplus, if any be, to be improved and secured for the benefit of the Heirs. [*Passed June 15.*]

## CHAPTER 35.

RESOLVE ALLOWING £20 TO W<sup>m</sup> BROWN.

Legislative  
Records of the  
Council, xxvi.,  
35.

Legislative  
Records of the  
Council, xxv.,  
115. House  
Journal, p. 61.

A PETITION of William Brown of Framingham praying an allowance of his charge and Expence in pursuing after one Jacob Newton a thief by order of the General Court, and procuring Witnesses; the petitioner having apprehended the said Newton, and caused him to be committed to the Goal in Cambridge.

[Read and]

*Resolved* that the Petitioner William Brown be allowed and paid out of the public Treasury the Sum of Twenty pounds in full for his time, horse hire, trouble, & expences for procuring the Witnesses &c mentioned in the petition. [*Passed June 15.*]

## CHAPTER 36.

RESOLVE IMPOWERING HANNAH POMEROY, ADM<sup>s</sup>, TO JOIN WITH  
ESTHER & EBENEZER POMEROY IN EXECUTING DEED OR DEEDS.

Legislative  
Records of the  
Council, xxvi.,  
35.

House Jour-  
nal, p. 54.

A PETITION of Ebenezer Pomroy and Esther Pomroy Admin<sup>rs</sup> of the Estate of Cap<sup>t</sup> Elisha Pomroy late of Northhampton dec<sup>d</sup> with Hannah Pomroy Admin<sup>s</sup> of the Estate of Cap<sup>t</sup> John Pomroy late of Northhampton dec<sup>d</sup> Setting forth That the Estate of the



said Elisha being found insufficient to pay his just debts, the said Admin<sup>rs</sup> had obtained power from the Superior Court to make Sale of all his Real Estate: That his homestead with the Dwelling House and other Buildings thereon, and also about Seven Acres of Land in the meadow called Northampton Meadow is the most valuable part of his Real Estate; that John Pomroy before mentioned was interested one seventh part therein, but had received of the said Elisha a valuable consideration therefor, yet had never given the said Elisha any acquittance or Conveyance of the same: That the Children of the said John are all Minors and incapable of making such a Conveyance. And praying that the said Hannah as Admin<sup>x</sup> aforesaid may be empowered to join with the admin<sup>rs</sup> of the said John in making a Conveyance of the premises.

Read and

*Resolved* that the prayer of the petition be granted, and that the abovenamed Hannah Pomroy Admin<sup>x</sup> on the Estate of John Pomroy deceased be and she hereby is empowered in the capacity aforesaid to join with the abovenamed Eben<sup>r</sup> Pomroy and Esther Pomroy in a Deed or Deeds of Conveyance of all the above mentioned Real Estate to the purchaser or purchasers of the same, which Deeds duly executed and Recorded shall be held & deemed sufficient in Law to convey to such purchaser or purchasers as good a title to the premises, as if the said John deceased had conveyed the same to them in his life time, and the abovesaid Minors shall be effectually barred from demanding any right or title therein. [*Passed June 15.*]

## CHAPTER 37.

### ORDER IMPOWERING JOSEPH COOLIDGE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Coolidge of Watertown Guardian to Eph<sup>m</sup> Warren of said Town a person Non Compos Setting forth That when the petitioner was appointed Guardian as aforesaid on the 30<sup>th</sup> of March last, he found that the said Ephraim was indebted to sundry persons, some of whom had Sued him and obtained Judgment against him. That there is not personal Estate sufficient to satisfy said Judgments; and praying that he may be empowered to make Sale of a piece of pasture Land in Waltham containing about three Acres, bounded on the South on Land belonging to the Heirs of Josiah Sterne dec<sup>d</sup> and on the West North and East on the Land of Jonas White; the proceeds thereof to be applied for the payment of the debts beforementioned.

Read and

*Ordered* that the prayer of the petition be so far granted that the petitioner in his said Capacity be & hereby is empowered to sell the within mentioned premises for the most they will fetch, and to make and Execute a good Deed thereof in the Law, he observing the Rules of Law for the Sale of Real Estates by Exec<sup>rs</sup> & Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Middlesex, that the proceeds coming by such Sale shall be applied to the payment of the Just debts of the said Ephraim Warren, and the Overplus, if any be, to be Secured for his use. [*Passed June 15.*]

Legislative  
Records of the  
Council, xxvi.,  
36.

House Jour-  
nal, pp. 50, 51.  
Province  
Laws, II., 151,  
chap. 10.

## CHAPTER 38.

ORDER IMPOWERING ELIZ<sup>A</sup> GLEASON, ADM<sup>S</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
38.

House Jour-  
nal, p. 51.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Eliz<sup>A</sup> Gleason Admin<sup>s</sup> of the Estate of her late Son Ezra Gleason of Princetown dec<sup>d</sup> who died without Wife or Child Setting forth That Phinehas Gleason deceased Father of the s<sup>d</sup> Ezra by his last Will & Testament gave to the said Ezra all his Estate upon condition that he maintained his Mother the Petitioner during her natural life, and paid to his Brothers & Sisters certain Legacies amounting in the whole to £17.13.4 and did also bring up his three younger Sisters till they should arrive to 21 years of age for the performance of all which he gave Bond to the Judge of Probate for the County of Worcester. That the said Ezra's Estate was appraised at £43.8.2 & the Real Estate given him by his Father to £80 and that his own proper Debts amount to £25.5.2 besides the obligations above mentioned, which he lay under. And praying that she may be empowered to make Sale of the s<sup>d</sup> Real Estate in order to discharge the Debts & Obligations above mentioned.

Read and

*Ordered* that the prayer of the petition be granted, and that the Petitioner be & hereby is empowered to make Sale of the premises for the most they will fetch, and to make & Execute a good Deed or Deeds thereof in the Law; She observing the directions of Law for the Sale of Real Estates by Exec<sup>rs</sup> & admin<sup>s</sup> and giving due caution to the Judge of Probate for the County of Worcester that the proceeds coming by such Sale shall be applied for the payment of the just Debts of the deceased and Legacies withinmentioned; and that the residue, if any be, be reserved & secured for the benefit of the Heirs, excepting only the annal Interest thereof for the use of the petitioner during her natural life. [*Passed June 17.*]

## CHAPTER 39.

ORDER IMPOWERING MARY BROWN, EXECUTRIX, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
38.

House Jour-  
nal, p. 53.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Mary Brown Widow of Thomas Brown late of Concord deceased & sole surviving Exec<sup>r</sup> of his last Will & Testament Setting forth That by the Will aforesaid the deceased gave to the petitioner the Income of his Real Estate during life, and a power to his Exec<sup>rs</sup> to sell the same for her Support & maintenance in case the Income thereof should be insufficient, only giving to his two Granddaughters thirty five shillings. That the Petitioner is now advanced in years and infirm, so that the Income of the said Estate is not sufficient for her support; and as her Coexecutor Abishai Brown is now dead she cannot give a sufficient title to said Estate. And praying that she may be empowered to Execute a lawful Deed of conveyance of the whole or any part thereof.

Read and

*Ordered* that the prayer of the petition be so far granted, that the Petitioner be and hereby is empowered to make Sale of the

premises or so much thereof as may be needful for her support, and to make and Execute a good Deed or Deeds thereof in the Law She observing the Rules & Orders of Law for the Sale of Real Estates by Exec<sup>ts</sup> & Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Middlesex that the proceeds arising by such Sale shall be applied for her Support during her natural life, and the residue, if any be, to be secured for the benefit of the Heirs of the said Thomas Brown deceased. [*Passed June 17.*]

## CHAPTER 40.

### ORDER IMPOWERING JACOB HASKELL, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jacob Haskell & Zebulon Haskell both of Gloucester Setting forth That Samuel Stone of said Gloucester died about four years since Intestate, leaving two daughters Minors, the eldest being now about eleven years of age: That the said Jacob administred on the Estate of the deceased, and took the Guardianship of the eldest daughter, and the said Zebulon the Guardianship of the younger. That the deceased died Seized of about  $\frac{1}{8}$  part of an Acre of Land whereon is a Cellar and the frame of a small House over it, and of about five Acres of Land about two Miles distant in the Woods. That the said Frame will soon be rotten, the petitioners having nothing in hand wherewith to finish it, and the five acres of Land brings in nothing, whereby to enable them to do it. And praying that they may be empowered to make Sale of the said frame and Land; the produce thereof to be improved for the benefit of the said Minors.

Read and

*Ordered* that the prayer of the petition be granted, and that the said Jacob Haskell Admin<sup>r</sup> &c be and hereby is empowered to sell the within mentioned premises for the most they will fetch, and to make & Execute a good Deed or Deeds thereof in the Law, he observing the directions of the Law for the Sale of Real Estates by Exec<sup>ts</sup> or Admin<sup>rs</sup> and giving due caution to the Judge of Probate for the County of Essex that the proceeds coming by such Sale shall be improved for the benefit of the Heirs of the said deceased. [*Passed June 17.*]

Legislative  
Records of the  
Council, xxvi.,  
39.

House Jour-  
nal, p. 48.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 41.

### ORDER ADDING £25. 17. 1 TO DEERFIELD TAX FOR 1766.

IN THE HOUSE OF REPRESENTATIVES. Whereas the General Court at their Session in June 1764 ordered that the Sum of Twenty five pounds seventeen shillings and one penny should be added to the Tax of the Town of Deerfield for the year 1765, being so much paid out of the Province Treasury to John Worthington and Joseph Hawley Esq<sup>rs</sup> and Maj<sup>r</sup> Benjamin Day a Committee of this Court to Settle the Line between Deerfield & Hunts Town &c

And Whereas the Tax Bill for the current year passed this House before said Order was taken notice of. Therefore

Legislative  
Records of the  
Council, xxvi.,  
41.

House Jour-  
nal, p. 69.  
Province  
Laws, iv., 927,  
note; xvii., 518,  
chap. 88.

*Ordered* that the said Sum of £25.17.1 be added to the Tax of Deerfield for the year 1766.

In Council, Read and Concurred. [*Passed June 18.*]

## CHAPTER 42.

### RESOLVE RELATIVE TO THE SETTLEMENT OF THE ACCOUNTS OF MR. BOLLAN, AGENT.

Legislative  
Records of the  
Council, xxvi.,  
41.

House Jour-  
nal, p. 45.

IN THE HOUSE OF REPRESENTATIVES. The House having examined the Accounts and demands subsisting between this Province & the late M<sup>r</sup> Agent Bollan according to a state thereof by him transmitted to them, and having considered the same.

*Resolved*, That in consideration of his many & faithful Services during his Agency, and in order to make a final Settlement of all Accounts & demands subsisting between this Province and him, That in case the said M<sup>r</sup> Bollan pay to the Treasurer and Receiver General of this province or to any other order of this Province, the Sum of Twelve hundred and Ninety three pounds, nine shillings Sterling part of the monies of the Province now in his hands, and shall acquit and discharge this Province from any further demands against them; that he be discharged from any further accounting for the residue of the same; and that all demands between this Province and him be thereupon determined & cease.

In Council Read and Concurred. [*Passed June 18.*]

## CHAPTER 43.

### RESOLVES RELATIVE TO THE SETTLEMENT OF THE ACCOUNTS OF JASPER MAUDUIT, AGENT.

Legislative  
Records of the  
Council, xxvi.,  
41. Mass.  
Archives,  
xxii., 445.

Mass.  
Archives,  
xxii., 373, 374.  
House Jour-  
nal, p. 39.  
*Supra*, chap.  
42.

In the House of Representatives

The House have taken into Consideration M<sup>r</sup> Agent Mauduit's accounts, and Letters relative thereto.

And it appears to the House, That his accounts are right cast.

They find in his Accounts three Articles of Commissions, amounting in the whole to fifteen Hundred and fourteen Pounds Sterling, which the said Agent has received to his own Use, and is hereby allowed.

They also find in his Accounts the article of Salary charged, but carried out Blank.

Therefore

*Resolved*, That the further Sum of One Hundred Pounds Sterling per annum, to commence at the Time of his taking the Agency upon him, and to continue during his acting in that Capacity, be allowed to the said Agent.

It also appears to the House, That by the last Accounts transmitted by the Agent, there remained in his Hands due to the Province, the Sum of fifty six Thousand three Hundred and thirty three Pounds seventeen Shillings and six Pence Sterling.

*Resolved* further, That the said Agent be accountable for the Sum of Fifty six Thousand three Hundred and thirty three Pounds seven-

teen Shillings and six Pence aforesaid, except the foregoing allowance of one Hundred Pounds a Year.

In Council Read & Concurred. [*Passed June 18.*]

## CHAPTER 44.

### VOTE CONFIRMING A PLAN OF THE TOWN OF HUNTSTOWN.

A PLAN of the Township of Huntstown taken by Eleazer Nash Surveyor & Chain men on Oath bounded as follows viz<sup>t</sup> beginning at a Maple Staddle & heap of Stones marked thus R which stands in Deerfield West line 420 perch from their South west corner on the course North 19° East and from the aforesaid Maple runs North 19° East 2,180 perch to a Hemlock tree marked R & a heap of Stones, thence West 17 North 650 perch, thence West 3° South 1,615 perch to Hatfield Grant, the same being Mayhews Northeast corner, thence South 1,050 perch, thence East 22° South 1,714 perch & closed to the first boundary contains 23,040 Acres Surveyed August 1. 1764, one Rod in thirty allowed for Sag of Chain.

*Voted* That the said plan be accepted, and the Lands therein delineated & described be confirmed to the proprietors of the said Huntstown their Heirs and Assigns: provided it does not exceed the quantity of their Grant, nor interfere with any former Grants. [*Passed June 18.*]

## CHAPTER 45.

### RESOLVE IMPOWERING PHIL<sup>d</sup> GODFRID KAST, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Philip Godfrid Kast Guardian to his Son Thomas Kast a Minor of the age of 14 years Setting forth That his said Son stands seized in fee of a small piece of Land at the Northerly part of Boston, which descended to him on the death of his Grandfather M<sup>r</sup> Joseph Procter deceased; that there is on s<sup>d</sup> Land an old house which no person hath been able to live in for some years past, and that he hath not wherewithal to repair it; that he hath now an opportunity to sell it to the advantage of the said Minor. And praying that he may be impowered to sell the same accordingly.

[Read and]

*Resolved*, That the prayer of this petition be granted, and that the petitioner Philip Godfrid Kast be & hereby is fully authorized & impowered to make Sale of the Land and premises mentioned in said petition, and to Execute a good Deed thereof in Law; observing the directions in the Law for the Sale of Real Estates by Exec<sup>rs</sup> & admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Suffolk, that the Money arising by the Sale thereof be put out to Interest on good security, and that the principal & Interest be paid to Thomas Kast the minor, when he shall arrive to the age of twenty one years. [*Passed June 18.*]

Legislative  
Records of the  
Council, xxvi.,  
42.

House Jour-  
nal, p. 70.  
Province  
Laws, iv., 865,  
note; xvii., 302,  
chap. 175.

Legislative  
Records of the  
Council, xxvi.,  
44.

House Jour-  
nal, p. 67.  
Province  
Laws, ii., 151,  
chap. 10.



## CHAPTER 46.

## ORDER CONFIRMING THE PROCEEDINGS OF THE SELECTMEN OF THE TOWN OF BELLINGHAM AND IMPOWERING THEM TO CALL A MEETING FOR THE CHOICE OF TOWN OFFICERS.

Legislative  
Records of the  
Council, xxvi.,  
9, 45.

Legislative  
Records of the  
Council, xxvi.,  
23. House  
Journal, pp. 15,  
55, 56, 74.  
Province  
Laws, i., 64,  
chap. 28.

A PETITION of Caleb Phillips and a great number of others Inhabitants of the Town of Bellingham Setting forth That at a very full meeting of the Town at their annual Meeting on the 6<sup>th</sup> day of March last, they made choice of most of the Town officers & adjourned to the 15<sup>th</sup> of said Month. That on the 15<sup>th</sup> of said March all the proceedings of the 6<sup>th</sup> were overthrown, and a new set of Town officers chosen by a small majority, whereupon nineteen of the Inhabitants present entered their Dissent; all which Elections made on the 15<sup>th</sup> they apprehend to be illegal. And praying that the first Meeting and the proceedings had thereon may be established; and that they may be enabled on some future day to proceed to the choice of such officers as then remained to be chosen, and to the doing of other things necessary business.

The Committee appointed on the petition of sundry Inhabitants of Bellingham having made Report, the following Order passed viz<sup>t</sup>.

Read & Accepted: and thereupon

*Ordered* that the choice of the Selectmen & other Town Officers at the annual Meeting of the Town of Bellingham on the sixth of March last was legal, and that the proceedings of the said Town at said Meeting be held good and valid to all intents and purposes whatsoever, and that the Town Officers so chosen, after they have been duly Sworn be accounted in said Town the said officers for the current year: And that the Selectmen so chosen be, and hereby are empowered to call a Meeting of the Inhabitants of said Town, qualified by Law to vote in Town affairs to assemble and meet in order to choose all such other Town Officers that were not chosen on said Sixth of March as fully as Towns are by Law required to choose in the Month of March annually: and the persons so chosen shall be the officers for said Town, and shall have the same power and authority as if they had been chose on the 6<sup>th</sup> of March afores<sup>d</sup> the time for choosing Town officers being elapsed notwithstanding.  
[*Passed June 19.*]

## CHAPTER 47.

RESOLVE IMPOWERING PROPRIETORS OF TOWNSHIP N<sup>o</sup> FOUR TO SELL SUCH PORTION OF THEIR LANDS AS MAY BE NECESSARY.

Legislative  
Records of the  
Council, xxvi.,  
36. Mass.  
Archives,  
cxviii., 94.

Mass.  
Archives,  
cxviii., 93.  
House Jour-  
nal, pp. 43, 44,  
59. Province,  
Laws, v., 1002,  
note; xvii., 242,  
chap. 50.

A PETITION of Noah Nash of Hatfield in behalf of himself and Associates who in the year 1762 purchased of the Government a Township called N<sup>o</sup> 4 Setting forth That they have laid out near one half the Township in Lots, cut a Road through it, made Bridges and done considerable Labour on said Lots; but that they are not able to make Grants of any part of said Lands to forward the Settlement or to enforce the payment of Taxes that have been agreed on: That the great opening of Townships in the Governments of New York and New Hampshire, and the extreme Scarcity of Money in the Country makes it more difficult for them to comply with the

terms of payment and of Settlement than they expected. And praying that they may be indulged with further time: and that they may be enabled to raise money and grant Lands in order to a speedy Settlement of the s<sup>d</sup> Township.

Read and

*Resolved* that the Pet<sup>rs</sup> and his Associates be and hereby they are impowered to dispose of and convey such part of the lands in the Township mentioned as may be necessary effectually to bring forward the speedy Settlement of the same. and that the proceedings of the Prop<sup>rs</sup> of said Township at their several Meetings be and they are hereby ratified and confirmed. and said Prop<sup>rs</sup> are further impower'd to call Meetings and transact the affairs relative to said Township as the Prop<sup>rs</sup> of other new Townships by Law are impowered. And that the Province Treasurer be directed To forbear putting in Suit the Bonds given for the purchase of said township for the term of two years they paying the Interest due thereon annually. [*Passed June 20.*<sup>1</sup>

## CHAPTER 48.

### RESOLVE IMPOWERING JOHN FOWLER, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Fowler of Suffield Admin<sup>r</sup> of the Estate of John Fowler late of Suffield Yeoman deceased Setting forth That the deceased had obliged himself by his Bond dated 4 Feb<sup>y</sup> 1749 to one David Smith of Suffield in the penal Sum of £150 conditioned that within 15 years from the date thereof he would convey to the said David & his Heirs the South half of the home lot on which the deceased then dwelt containing eighteen Acres, together with the East half of his then Dwelling house & one half of about twenty Acres of Land lying on the West side of the Country road and a little Westward from the said home lot; or that he would within the forementioned time pay to the said David the full value thereof with lawful Interest. That the said Bond is now in force, and no personal Estate of the deceased has been nor now is in the hands of the petitioner sufficient to Answer said Obligation. And praying that he may be impowered to make Sale of the said moiety of the messuage and Tracts of Land aforementioned in order to satisfy the said Bond.

[Read and]

*Resolved* that the petitioner before named be, and he is hereby impowered to make Sale of the Lands in the condition of the Bond referred to, mentioned, said Lands lying in Springfield in the County of Hampshire, for the most the same will fetch, at public Vendue, he first giving notice of said Sale and conforming therein to the directions of the Law of this Province for the Sale of Lands by Exec<sup>rs</sup> & Admin<sup>rs</sup>, and giving Bond to the Judge of probate for said County of Hampshire to improve the proceeds of said Sale for the purpose in said petition mentioned, and to account with him therefor when required. [*Passed June 20.*

Legislative  
Records of the  
Council, xxvi.,  
47.

House Jour-  
nal, p. 77.  
Province  
Laws, li., 151,  
chap. 10.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 15.

## CHAPTER 49.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
NATH<sup>l</sup> GOODWIN FOR A RE-TRIAL OF AN ACTION.

Legislative  
Records of the  
Council, xxvi.,  
48.

House Jour-  
nal, p. 73.

A PETITION of Nathaniel Goodwin of Plymouth Setting forth That at the Inferior Court of Common pleas holden at plymouth in April 1764 he entered into a Rule of Court, and left the determination of three Causes and all demands then subsisting between him & M<sup>r</sup> Thomas Crandon of said plymouth to James Russell Esq<sup>r</sup> M<sup>r</sup> Thomas Gray & M<sup>r</sup> Jon<sup>a</sup> Williams, who appointed the hearing to be at Boston on y<sup>e</sup> 2<sup>d</sup> day of April last; at which time the petitioner was on a bed of Sickness & his disorder lying chiefly in his head, he was then incapable of communicating his Ideas, and M<sup>r</sup> Crandon alledging that he was bound to Sea urged the referees to come to a hearing: That at the adjournment of the said Court on the 20<sup>th</sup> of May the referees reported that the petitioner pay to the said Thomas Crandon £372.3.3 and that the Costs be paid in equal parts between them. That the petitioner was still incapable of attending, and the Superior Court being at that time also Sitting, his Council was so engaged there, that neither could he attend to make a reply to said Report. That on the 1<sup>st</sup> of this Instant June the petitioner hath received from Lisbon an Account of a grand fraud in the matter in controversy; and the referees have certified that it would have had weight had it come to their knowledge in Season. And praying that he may have a fair trial of the case by a Jury, or that all the said Causes may be recommitted to the said Referrees, or to other persons who may be named for the purpose and that Execution may be stayed in the mean time.

Read and

*Ordered* that the petitioner serve the Adverse party Thomas Crandon with a Copy of this petition, that he shew cause if any he hath, on the first Tuesday of the next Session of this Court, why the prayer thereof should not be granted, and Execution is stayed in the mean time. provided the petitioner give security to the Sheriff of the County of Plymouth to pay what Sum shall finally be due with Interest from this time. [*Passed June 20.*]

## CHAPTER 50.

RESOLVE IMPOWERING JANE MORGAN, EXECUTRIX, TO SELL REAL  
ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
48.

House Jour-  
nal, p. 71.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Jane Morgan Widow and Exec<sup>x</sup> of the last Will & Testament of Moses Morgan late of Groton deceased Setting forth That the said Moses Morgan died Seized of about twenty Acres of poor Land with a small old House standing thereon; and the deceaseds debts amount to more than double the value of his personal Estate and to the near value both of Real & personal together. And praying that she may be empowered to make Sale of said House & Land, that she may be enabled to pay the said deceaseds Debts; she to be accountable.

Read and



*Resolved* that the prayer of the Petition be granted, and that the said Jane Morgan as Exec<sup>r</sup> to the last Will and Testament of Moses Morgan is hereby fully authorized and impowered to make Sale of all the Real Estate of the said Moses Morgan lying in the Town of Groton in the County of Middlesex for the most it will fetch, and make and Execute a good Deed or Deeds to the purchaser thereof, observing the directions in the Law for the Sale of Real Estates by Exec<sup>rs</sup> & Admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Middlesex that the money arising by the Sale thereof shall be applied to the discharging the just debts of the said Moses Morgan, and the residue if any there be secured for the benefit of the Heirs of the said deceased. [*Passed June 20.*]

## CHAPTER 51.

### ORDER ALLOWING £4 TO JABEZ CARTER.

A PETITION of Jabez Carter of Woburn Setting forth That having the Command of a Company of militia in obedience to an Act of this province to furnish one half of the Militia with Bayonets, he ordered a number of Arms to the Smith's in order to be fitted therewith but that it so happened before they were all finished, the Smith's Shop was consumed by fire, and three of the said Guns destroyed; that the Men are not well able to bear the loss, and as it was occasioned in manner as above mentioned, praying an allowance.

Legislative  
Records of the  
Council, xxvi.,  
49. Mass.  
Archives,  
lxxx., 580.  
Mass.  
Archives,  
lxxx., 580.  
House Jour-  
nal, pp. 56, 77.  
Province  
Laws, iv., 53,  
chap. 18.

Read and

*Ordered* that the Sum of four pounds be paid out of the publick Treasury to the Pet<sup>r</sup> for the use of the Sufferers in full. [*Passed June 20.*]

## CHAPTER 52.

### ORDER SUSPENDING THE PROVINCE TAX ON THE TOWN OF GORHAM FOR THE YEAR 1764 AND ADDING THE SAME TO THEIR PROVINCE TAX FOR THE YEAR 1766.

A PETITION of the Selectmen of Gorham praying that in consideration of their losses the last year by Fires &c it will be very difficult for them to pay their Province Tax; that they are now about Settling a Minister, which will bring a considerable charge upon them. And praying that their Province Tax for 1764 may be abated them.

Legislative  
Records of the  
Council, xxvi.,  
50. Mass.  
Archives,  
cxviii., 92.  
Mass.  
Archives,  
cxviii., 91.  
House Jour-  
nal, pp. 20, 21,  
78.

Read and

*Ordered* that the Province Tax laid on Gorham [for]<sup>1</sup> the Year 1764 be suspended And that the same be added [to]<sup>1</sup> their Province Tax in the Year 1766 and the Treasurer is directed not to Issue his Execution ag<sup>t</sup> said Town in the mean time. [*Passed June 20.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xxvi., 50.

## CHAPTER 53.

ORDER ALLOWING £9. 16. 8 TO BENJ<sup>A</sup> KIMBALL.

Legislative  
Records of the  
Council, xxvi.,  
50. Mass.  
Archives,  
lxxx., 566.

Mass.  
Archives,  
lxxx., 565.  
House Jour-  
nal, p. 56.

A PETITION of Benj<sup>a</sup> Kimball of Ipswich praying an allowance for one month & 26 days Wages as a Lieutenant in the pay of the province in 1759 when he Served at Louisbourgh in Cap<sup>t</sup> Davis's Company under Col<sup>o</sup> Bagley, representing in his said petition, that he hath been absent at Sea the greater part of the time since his discharge, which hath prevented his applying sooner.

Read and

*Ordered* that the Sum of nine pounds Sixteen Shillings and eight pence be paid out of the publick Treasury to D<sup>r</sup> Calef for the use of the Pet<sup>r</sup> in full. [*Passed June 20.*]

## CHAPTER 54.

ORDER ALLOWING £20 TO JOHN COTTON, DEPUTY SECRETARY.

Legislative  
Records of the  
Council, xxvi.,  
51.

House Jour-  
nal, p. 82.  
Province  
Laws, xvii.,  
608, chap. 227.

A MEMORIAL of John Cotton representing his Services as Deputy Secretary, and obviating some exceptions which he apprehends had influenced the Court to lower his allowance from One hundred & eighty pounds a year to One hundred pounds only, for the last year, declaring that he hath not received a single farthing out of the Treasury for writing done in the office for the whole four years he has been in it; but that the whole of his Services have been included in the annual Grants made him by the Court; And praying a further allowance for the last year.

Read and

*Ordered* that the sum of Twenty pounds be paid out of the public Treasury to the Memorialist for his services within mentioned. [*Passed June 20.*]

## CHAPTER 55.

ORDER ALLOWING £9 TO EBEN<sup>B</sup> SHELDON.

Legislative  
Records of the  
Council, xxvi.,  
51. Mass.  
Archives,  
lxxx., 568.

Mass.  
Archives,  
lxxx., 567.  
House Jour-  
nal, pp. 74, 80.

A PETITION of Ebenezer Sheldon of Bernardstown, Setting forth That in the former War which commenced in 1744 there was no other family but his that would venture to continue in that exposed plantation, and that during the War one of his Sons was killed at his door: That he likewise kept his post throughout the last War and built a Fort there which cost him £34.13.4 of which sum the Government have allowed him only £12. That in 1757 he had another Son who was taken Captive by the Enemy at Lake George, and sent to France where he died in Prison. And praying an allowance.

Read and

*Ordered* that the Sum of Nine pounds be paid out of the publick Treasury to M<sup>r</sup> Ashley for the use of the Pet<sup>r</sup> in full for the Services and sufferings within mentioned. [*Passed June 20.*]

## CHAPTER 56.

## RESOLVE EXPLAINING VOTES IN REGARD TO PARISHES IN FALMOUTH.

WHEREAS by a Resolve of this Court made and passed on the 15<sup>th</sup> of February last, a tract of Land in Falmouth in the County of Cumberland was erected into a Parish by the bounds therein mentioned, with liberty for all those persons who *have* left their names with the first parish in Falmouth agreeable to a Vote of the first parish March 28<sup>th</sup> 1764 be of the first & fourth parishes respectively according to said Vote.

Legislative  
Records of the  
Council, xxvi.,  
52.

Legislative  
Records of the  
Council, xxv.,  
384. House  
Journal,  
pp. 240, 241  
(February,  
1765); pp. 75,  
76. Province  
Laws, xvii.,  
614, chap. 242.

And whereas it was the intention of the

*Resolve* aforesaid that all those persons who *should* give in their names before the 28<sup>th</sup> of March 1765 to the Clerk of the first parish, should be of the first & fourth parishes respectively.

Therefore Be it further

*Resolved*, That all those persons who gave in their names within the time limited by the Vote aforesaid of the said First parish in Falmouth, be with their Estates of the first and fourth parishes respectively, any thing in the first Resolve to the contrary notwithstanding. [*Passed June 20.*]

## CHAPTER 57.

## ORDER ALLOWING LAW BOOK TO GORHAM.

*Ordered* that the Town of Gorham, be provided with the province Laws at the Public charge. [*Passed June 20.*]

Legislative  
Records of the  
Council, xxvi.,  
52.

House Jour-  
nal, p. 81.

## CHAPTER 58.

## RESOLVE ALLOWING £1,000 TO THE COMMITTEE ON REBUILDING HARVARD COLLEGE.

*Resolved* That the Sum of one Thousand pounds be paid out of the Publick Treasury to the Committee appointed to rebuild Harvard Colledge to Enable them to proceed in that affair, they to be accountable. [*Passed June 20.*]

Legislative  
Records of the  
Council, xxvi.,  
52. Mass.  
Archives,  
lviii., 547.

House Jour-  
nal, p. 82.  
Province  
Laws, xvii.,  
469, chap. 230;  
574, chap. 141.

## CHAPTER 59.

## RESOLVE ALLOWING £450 TO THE COMMITTEE FOR CONFERENCE WITH THE OTHER GOVERNMENTS.

In the House of Rep<sup>ues</sup>

Whereas the House at their present Session made choice of James Otis Oliver Partridge and Timothy Ruggles Esq<sup>rs</sup> their Committee to meet the Committees from the houses of Representatives

Legislative  
Records of the  
Council, xxvi.,  
52. Mass.  
Archives, vi.,  
296.

or Burgesses in the several Colonies on this Continent that may be convened on the first tuesday of October next at New York Therefore

*Resolved* that there be granted and paid out of the publick Treasury to the said Committee the Sum of four hundred and fifty pounds to enable them to discharge the important Trust to which they are appointed. They upon their return to be accountable for the same. In council read and Concurrred.<sup>1</sup> [*Passed June 20.*]

## CHAPTER 60.

ORDER IMPOWERING GAWEN BROWN, GUARDIAN, TO JOIN WITH OTHERS IN SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
53.

House Jour-  
nal, p. 83.  
Province  
Laws, ii., 151,  
chap. 10; xvii.,  
287, chap. 142.

A PETITION of Gawen Brown of Boston, Guardian to his Son Mather Brown a Minor Setting forth That the said Minor in right of his deceased Mother is interested in a Lot of Land of about One hundred feet square fronting on Oliver Street in said Boston: that the s<sup>d</sup> Minors share is only five feet nine Inches in front, and that the other parties interested in the said Lot are about Selling their Shares: and inasmuch as they may be prevented in their proposed Sale were this small proportion of the whole to be retained, and it can never be of any use to the minor to keep it, praying that he may be impowered as Guardian afores<sup>d</sup> to join in y<sup>e</sup> Sale.

Read and

*Ordered*, That the Petitioner Gawen Brown in his Capacity of Guardian to Mather Brown a Minor be, and he hereby is authorised and impowered to join with the other Heirs of Anna Byles dec<sup>d</sup> in the Sale of the said Minors Interest in the Land mentioned in the petition, and in Executing a Deed of the same; He observing the directions of the Law respecting the Sale of Real Estates by Executors & administrators and giving sufficient caution to the Judge of Probate to account for the proceeds of the Sale of the said minors Interest in s<sup>d</sup> Land according to Law. [*Passed June 21.*]

## CHAPTER 61.

ORDER ACCEPTING REPORT OF COMMITTEE FOR READJUSTMENT OF DOWER IMPROPERLY SET OFF.

Legislative  
Records of the  
Council, xxvi.,  
13, 54.

Legislative  
Records of the  
Council, xxvi.,  
19, 44. House  
Journal, pp. 24,  
39, 40, 72, 73, 85.  
Province  
Laws, xvii.,  
291, chap. 152.

A PETITION of Rachel Thayer of Mendon Admin<sup>x</sup> of the Estate of Samuel Thayer late of Mendon deceased Setting forth That in the Division of the said deceaseds Estate to and among the Heirs, there was divided and set off to Abner Thayer of Providence in right of his Wife Silence, Seventy Acres of Land in Mendon; since which one Samuel Thayer the 3<sup>d</sup> of said Mendon hath, in a due course of Law recovered the possession of said Land against the said Abner and Silence whereby they are deprived of their equitable proportion of the said Samuel Thayer's Estate, it now appearing that he was not lawfully Seized of the said 70 Acres. That there

<sup>1</sup> Not found in the House Journal.

are fourteen Heirs, some of whom are poor and have Sold their shares, and others appear unwilling to refund, and that a new Division is impracticable. And praying in order that Justice may be done to the said Abner and Silence, that so much of the Lands as was set off to her the said Rachel as her right of Dower in the said Samuel's Estate may be set off to them, as shall be deemed equal to the Lands lost by them as aforesaid.

The Committee appointed the 19<sup>th</sup> Instant on the petition of Rachel Thayer having made Report, the following Order passed thereon. viz<sup>t</sup>

Read and accepted: And thereupon

*Ordered* that the Judge of Probate for the County of Worcester be directed to make out his Warrant to five Freeholders in said County to apprise on oath and to set off out of the Real Estate of Sam<sup>l</sup> Thayer deceased, of that part which is the Widow Rachel Thayer's Dower in said Samuel's Estate, so much thereof as will make up to the said Abner & Silence his Wife the loss of said Seventy Acres of Land; and their Return being made to the said Judge and accepted by him, shall be in full to quiet the said Abner & Silence for the loss of said Lands, and in the final Settlement of said Widows dower, regard shall be had to the Setting off the Land abovesaid so as to divide to and among the Heirs of said Samuel Thayer only the remainder of the Widows Dower. [*Passed June 21.*]

## CHAPTER 62.

### ORDER ALLOWING £90 WITH INTEREST TO CHA. HARRISON.

A MEMORIAL of Charles Harrison Esq<sup>r</sup> Setting forth That he purchased at Philadelphia ten Notes of £9 each, issued by the Treasurer of this Province dated 30<sup>th</sup> May 1760, and endorsed by Royall Tyler Esq<sup>r</sup> payable with Interest on or before the 20<sup>th</sup> June 1764 but that upon presenting them to the Treasurer he was informed that by an Order of this Government the Interest had ceased 31<sup>st</sup> Oct<sup>r</sup> 1762. That he then living at Philadelphia was ignorant of the said Order, and did not imagine that he had a right to demand payment till after the 20<sup>th</sup> of June 1765. And praying that he may be allowed Interest accordingly

Legislative  
Records of the  
Council, xxvi.,  
56. Mass.  
Archives, civ.,  
342.  
Mass.  
Archives, civ.,  
341. House  
Journal, pp. 79,  
86. Province  
Laws, iv., 576,  
chap. 6; 625,  
note.

Read and

*Ordered* that the Sum of Ninety pounds be paid out of the public Treasury to the Memorialist being the principal of the notes with in mentioned. and the Interest that shall appear due on the same till the 20<sup>th</sup> of June 1764. [*Passed June 21.*]

## CHAPTER 63.

### RESOLVE IMPOWERING THE SELECTMEN OF THE TOWN OF LEXINGTON TO RETURN HAMILTON HUSSEY TO HIS NATIVE COUNTRY.

A PETITION of William Reed Esq<sup>r</sup> of Lexington in behalf of the said Town praying the Order of this Court with regard to one Hamilton Hussey a stranger, now resident there, who by Reason of Lameness is unable to do anything towards his own Support.

Legislative  
Records of the  
Council, xxvi.,  
57.  
House Jour  
nal, p. 87.

*Ante*, p. 16,  
chap. 22.

[Read and]

*Resolved* in Answer to this petition that the Selectmen of the Town of Lexington be, and hereby are impowered to procure for Hamilton Hussey a passage to his Native Country so soon as he may be in a condition to undertake the Voyage and that they lay the Expence thereof before this Court. [*Passed June 21.*]

## CHAPTER 64.

ORDER IMPOWERING MICHAEL BACON, GUARDIAN, AND LYDIA BACON, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
57.

House Jour-  
nal, pp. 83, 88.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Michael Bacon of Needham Guardian of Sarah Bacon only surviving Child of John Bacon late of Natick deceased & of Lydia Bacon Relict Widow of the said deceased & Admin<sup>s</sup> of his Estate Setting forth, That the said John Bacon died Seized of a Dwelling house & Barn, and a Corn Mill & Saw Mill and about one Acre of Land near Natick Bridge. That the Saw Mill will soon come to ruin unless it be rebuilt, and the other Mill will want Repairs, and that she the said Widow expects to have her Dower set off in another House & Laud at some distance from the Estate before mentioned. Therefore praying that they may be impowered in their said Capacities to sell the Land and Buildings thereon, first mentioned for the benefit of the Child, a Minor.

[Read and]

*Ordered* that the prayer of the petition be Granted: And the petitioners Michael Bacon and Lydia Bacon be and hereby are impowered to make Sale of the premisses for the most they will fetch, and to make and Execute a good Deed or Deeds thereof in the Law they observing the directions of Law for the Sale of Real Estates by Executors & administrators, and giving sufficient caution to the Judge of Probate for the County of Middlesex that the money arising by such Sale shall be put to Interest and well Secured for the benefit of y<sup>e</sup> Heir. [*Passed June 21.*]

## CHAPTER 65.

RESOLVE ESTABLISHING WAGES AT CASTLE WILLIAM AND FORTS POWNAL AND HALIFAX AND STORE HOUSE AT CUSHNOC.

Legislative  
Records of the  
Council, xxvi.,  
59. Mass.  
Archives,  
lxxx., 585.

House Jour-  
nal, pp. 68, 87.  
Province  
Laws, xvii.,  
633, chap. 280;  
634, chap. 281.

*Resolved*

That the Establishment of Castle William, & That, for Fort Pownall be, & remain for y<sup>e</sup> present Year, as they were the last Year And that the Establishm<sup>t</sup> of Fort Halifax, together with y<sup>e</sup> Storehouse at Cushnoc, Consist of

One Lieut <sup>t</sup> @ . . . . .	£3	₧ month
One Gunner @ . . . . .	£3.	₧ d <sup>o</sup>
Two sergeants each . . . . .	£2. 10.	₧ m <sup>o</sup> 1
Thirteen privates each . . . . .	£1. 4	₧ m <sup>o</sup>

And that His Excell<sup>y</sup> the Gov<sup>r</sup> be desir<sup>d</sup> to give orders for the Discharge of all others at those Posts. [*Passed June 21.*]

<sup>1</sup> The House Journal, p. 68, reads, "Each £1. 10. 0 per month."



## CHAPTER 66.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

THE ACCOUNT of Joshua Henshaw Esq<sup>r</sup> Treasurer for the County of Suffolk, having been laid before the Court for their allowance the following Order passed thereon. viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
55.

Read and

House Jour-  
nal, pp. 14, 91.

*Resolved* That the within Account (being right cast and well vouched) be allowed: And that the Treasurer be discharged of the Sum of Two hundred and thirty five pounds, fourteen shillings and three pence, which he has paid by order of the Court of Sessions, and that balance of the Sum of Three hundred and Eighty five pounds, five shillings and ten pence still remaining due to the County, and is outstanding [in]<sup>1</sup> the hands of several Constables, he be further accountable for, when by him received. [*Passed June 22.*<sup>2</sup>

## CHAPTER 67.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

THE ACCOUNT of James Russell Esq<sup>r</sup> Treasurer for the County of Middlesex, being laid before the Court for their Allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxiv.,  
55.

Read and

House Jour-  
nal, pp. 14, 91.

*Resolved*, that the within Account (being right cast and well vouched) be allowed; and that the Treasurer be discharged of the Sum of One hundred and eighty nine pounds, ten shillings & eleven pence half penny which he has paid by Order of the Court of Sessions; and that a balance of the Sum of One hundred and Sixty three pounds, sixteen shillings & ten pence half penny still remaining due to the County, and is outstanding in the hands of several Constables, he be further accountable for when by him received. [*Passed June 22.*<sup>1</sup>

## CHAPTER 68.

## RESOLVE DIRECTING THE PROVINCE TREASURER NOT TO PROSECUTE CERTAIN BONDS.

*Resolved*, That the Treasurer be directed not to prosecute any persons who have given Bonds to him for payment for any Lands purchased of the Government West of Connecticut River within the term of two years from this time unless the General Court should otherwise order; or unless some one or more of the Obligees in any Bond shall desire the same may be put in suit sooner. [*Passed June 22.*

Legislative  
Records of the  
Council, xxvi.,  
59.

House Jour-  
nal, p. 88.  
Province  
Laws, xvii.,  
148, chap. 347.

<sup>1</sup> Inserted from the House Journal, p. 91.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 21.

Legislative  
Records of the  
Council, xxvi.,  
60. Mass.  
Archives,  
lxxx., 586.

Legislative  
Records of the  
Council, xxvi.,  
55. House  
Journal, pp. 13,  
14, 87, 88, 89.  
*Ante*, p. 7,  
chap. 1.

## CHAPTER 69.

RESOLVE DIRECTING REPAIRS TO BE MADE TO SHIRLEY BATTERY.

*Resolved*

That it is necessary that the Repair of Shirley-Battery, mention'd in his Excell<sup>y</sup> Message should be made, and that the same be done with Stone, and the Comittee for y<sup>e</sup> Repairs of y<sup>e</sup> Castle are directed to gett s<sup>d</sup> Repairs made with stone in the best, & Cheapest Manner they Can. [*Passed June 22.*]

## CHAPTER 70.

RESOLVE IMPOWERING THE TOWN OF PLYMOUTH TO RAISE £200.

Legislative  
Records of the  
Council, xxvi.,  
60. Mass.  
Archives,  
cxviii., 131, 137.

House Jour-  
nal, pp. 17, 18,  
44, 45 (1764);  
p. 90. Prov-  
ince Laws, lv.,  
868, note; xvii.,  
526, chap. 35.

THE COMMITTEE appointed by the Gen<sup>l</sup> Court in June 1764 to view Plimouth Beach and to report their opinion of the Cost of repairing & Securing y<sup>e</sup> same have attended that service viewed the premisses and report that tis their opinion unless measures are soon taken for securing sd Beach there is very great danger that Plimouth Harbour and the Harbour between the Gurnet & Beach point will be both ruined. The Costs of sd repairs we apprehend will be very considerable and at least double the sum already granted by the Province We are also of opinion that it is reasonable the Town of Plim<sup>o</sup> should be at one half ye Costs of such repairs:

JAMES OTIS *pro* order

[Read and]

*Resolved* that the Town of Plimouth Raise the Sum of two hundred pounds which Sum together with the two hund<sup>d</sup> pounds granted by this Court in June last and now in the hands of Thomas Foster Esq<sup>r</sup> be immediately apply<sup>d</sup> to the Repairing the Harbour of Plimouth agreeable to Such Directions as Trustees appointed by the Said Town Shall think proper and in Case the Town Refuse to Raise the Said Sum then that Thomas Foster Esq<sup>r</sup> pay into the province Treasury the Aforesaid Sum of two hundred pounds on or before the Second Monday of the next Session of this Court and in Case the Said Sums of four hundred pound Should be more than sufficient for the Aforesaid purpose then the Town and province money be payd in Equall proportion and the Surplussage of the two hundred pounds be Returnd into the province Treasury and that the Sd Trustees keep a fair Acco<sup>t</sup> of all Expences & make Return to this Court as soon as the work is compleat or when the Court order such Account to be Rendred. [*Passed June 22.*]

## CHAPTER 71.

RESOLVE GRANTING 5,500 ACRES OF LAND TO AARON WILLARD AND ASSOCIATES TO MAKE GOOD A DEFICIENCY.

Legislative  
Records of the  
Council, xxvi.,  
60.

A PETITION of Aaron Willard of Lancaster in behalf of himself & Associates in the purchase of the new Township N<sup>o</sup> 3 lying in the County of Hampshire Setting forth That two thousand five



hundred thirty seven Acres of the Land supposed to have been Granted them is cut off from said Township & taken into the Township N<sup>o</sup> 9 owing to a mistake of the Northeast corner of the Township N<sup>o</sup> four and arising from an addition made to the Original Survey & plan of said N<sup>o</sup> 4: by means whereof the said purchasers are in want of such part of their Lands, and thereby reduced to additional disadvantages in regard to their purchase. And praying that they may have such remittance out of the original price of s<sup>d</sup> Township or have such additional Grants as may be thought a reasonable compensation for such deficiency, and otherwise relieved under the disadvantage and difficulty aforesaid.

House Journal, pp. 71, 85, 89. Province Laws, xvii., 242, chap. 50.

Read & Considered, And thereupon

*Resolved*, That the quantity of Five thousand and Five hundred Acres of Land to be taken up in the unappropriated Land of the Province, be granted to the said Aaron Willard and his associates, purchasers as aforesaid, in consideration of the deficiency of the Lands within mentioned, and of the damages to the Petitioners consequent thereon. [*Passed June 22.*]

## CHAPTER 72.

### RESOLVE WITH NOTICE AND STAY OF PROCEEDINGS ON THE PETITION OF THE TOWN OF BOXFORD IN REGARD TO A HIGHWAY.

A PETITION of John Hale and Asa Perley a Committee of the Town of Boxford Setting forth That upon a petition to the Court of Sessions held for the County of Essex in July 1760 for the laying out of a private way, a Committee was appointed for that purpose, who accordingly laid out the same, and the Sum of £154.2/ was assessed on the Town of Boxford in part of the damages thereby sustained by certain Individuals. That upon a careful Search of the Records they have within days past found that in the year 1686, a way was laid out in or near the same place, which was formerly improved as such, and ought to have been continued. That six of the persons who were by the Committee aforesaid allowed damages have brought their Actions against the said Town of Boxford, one of which brought by Jacob Gould as Heir to John Gould is now pending in the Superior Court and the other five under continuance to July next. And praying that the next Court of General Sessions of the peace for the County of Essex may be empowered to cause a revival of said assessment on the Town of Boxford, and that all proceedings on the said actions may be stayed in the mean time.

Legislative Records of the Council, xxvi., 61. Mass. Archives, cxxi., 434.

Mass. Archives, cxxi., 433. House Journal, p. 90. Province Laws, xvii., 91, chap. 212.

[Read and]

*Resolved* that the Petitioners Serue Jacob Gould as Heir to John Gould Ebenezer Curtis Nathaniel Symonds William Eills John Killam & Jonathan Town, with a Copy of this Petition and that they Shew Cause if any they have on the Second Teusday of the Next Setting of this Court why the prayer of Said Petition Should not be granted and that all Proceedings upon the Six Actions Mentioned in Said Petition be Stay<sup>d</sup> in the Mean time. [*Passed June 22.*]

## CHAPTER 73.

## ORDER OF NOTICE WITH STAY OF EXECUTION IMPOWERING WILLIAM HOLLAND TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xxvi.,  
10, 62.

Legislative  
Records of the  
Council, xxvi.,  
51. House  
Journal, pp. 21,  
81, 93.

A PETITION of William Holland of Boston setting forth That he was served with a writ of Attachment returnable to the Inferior Court of common pleas held at Boston in Oct<sup>r</sup> last to Answer to one William Pattin of said Boston in an action of Trover for a barrel of Limejuice. That the petitioner engaged Rob<sup>t</sup> Auchmuty Esq<sup>r</sup> his Counsel to defend the same; but it so happened that M<sup>r</sup> Auchmuty being then unavoidably detained in the Eastern parts of the Province by contrary Winds, and the petitioner likewise absent, the said Action was defaulted & judgment entered up against him for the whole Sum demanded being Ten pounds with Costs. And praying that he may have liberty to bring forward a Writ of Review of the said Action at the next Inferior Court of common pleas to be holden at Boston in and for the County of Suffolk; and that Execution may be stayed in the meantime.

Read and accepted: And

*Ordered*, That the Petitioner William Holland be, and he hereby is authorized & impowered to bring a Writ of Review of the action mentioned in his Petition, to the Inferior Court of Common pleas for the County of Suffolk, to be holden at Boston on the first Tuesday in October next; And the Justices of the said Court are hereby also authorized & impowered to hear and try the said Action, make up judgment and award Execution accordingly. And the Execution mentioned in the said Petition is hereby ordered to be stayed in the mean time. provided the petitioner give sufficient security to the Sheriff of the County of Suffolk to pay such Sum as may finally be recovered against him, with lawful Interest from the date of the said Execution. [*Passed June 24.*]

## CHAPTER 74.

## ORDER DIRECTING THE PROVINCE TREASURER NOT TO PROSECUTE THE BOND OF ANDREW HALL.

Legislative  
Records of the  
Council, xxvi.,  
62.

House Jour-  
nal, p. 78.

A PETITION of Andrew Hall of Boston Merchant Setting forth That he made a purchase of the Province Ship King George for £1,760 of which Sum £760 is paid, and he has given sufficient security for the remainder, to the Province Treasurer. That he hath met with some disappointments in his business, which renders it difficult for him to discharge his said Obligation at present. and as the Treasurer has received Orders to put in Suit all delinquent Bonds, Praying that he may be indulged with three Months further time for the payment of the balance aforesaid.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Treasurer be directed not to prosecute the Bond within mentioned for the space of three Months from this time accordingly. [*Passed June 24.*]

## CHAPTER 75.

## ORDER ALLOWING £72 TO JOSEPH LEE.

A PETITION of Joseph Lee Esq<sup>r</sup> Setting forth That in the year 1754 He purchased of the Government a Tract of Land containing upward of 5,000 Acres lying at a place called Miller's plain, and gave Bond for the purchase consideration. That when he sent to take possession, he found a number of persons who had Settled on the same, and who would neither purchase nor attorn Tenants; but by the interposition of this Court they did finally deliver up possession, tho' not until the year 1758. And praying that the Province Treasurer may be directed to allow and repay to him the Interest arising on his Bond from the time of the purchase being made until the delivering the purchased premises to the Memorialist.

Read and

*Ordered* that the Sum of Seventy two pounds be paid out of the publick Treasury to the Memorialis[t] being the interest on the purchase money of Lands lying in a place called Miller's plain which He bought of the Province in the year 1754 from the time of purchase to the time of his being put into possession. [*Passed June 24.*]

Legislative  
Records of the  
Council, xxvi.,  
63. Mass.  
Archives,  
xvii., 518.  
Mass.  
Archives,  
xvii., 516.  
House Jour-  
nal, pp. 80, 81,  
104, 105. Prov-  
ince Laws, xv.,  
664, chap. 341.

## CHAPTER 76.

ORDER EXEMPTING THE INHABITANTS OF CERTAIN PLACES FROM  
TAXATION BY FITCHBURG OR ASHBURNHAM.

A PETITION of Sundry Inhabitants of the Westerly part of Townshend and the Northerly part of Fitchburgh and the Northeasterly part of Dorchester Canada, praying to be incorporated into a Town or District.

THE FOLLOWING ORDER passed in consequence of the Report of a Committee of both Houses appointed to take under consideration a petition of sundry Inhabitants of Townsend, Fitchburg & Dorchester Canada, and the several Answers made thereto viz<sup>t</sup>

Read and Accepted: And in as much as it appears probable that the petitioners may in a short time hence be erected into a District altho' at present it might be inconvenient to separate them from the Towns to which they belong.

*Ordered*, That the petitioners be exempted from the payment of any Taxes that may after this time be granted by the proprietors or Inhabitants of Fitchburgh towards building their Meeting House, or by the proprietors or Inhabitants of Ashburnham towards the finishing their's. [*Passed June 24.*]

Legislative  
Records of the  
Council, xxv.,  
378; xxvi., 64.

Legislative  
Records of the  
Council, xxv.,  
288; xxvi., 18.  
House Jour-  
nal, pp. 106, 109,  
233 (1765);  
pp. 37, 95.  
Province  
Laws, iv., 946,  
note.

## CHAPTER 77.

## RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIANS OF PLYMOUTH COUNTY INDIANS.

Legislative  
Records of the  
Council, xxvi.,  
64.

House Jour-  
nal, p. 95.  
Province  
Laws, xvi., 241,  
chap. 76, note.

IN THE HOUSE OF REPRESENTATIVES. The House taking into consideration the Accounts of the Guardians over the Indians in the County of plymouth.

*Resolved*, that the same are right cast and well vouched, and that there is a balance due to James Thomas Indian Man in Middleborough, the sum of Four pounds, nineteen shillings & eleven pence half penny and a further Sum of Forty one pounds, two shillings due to Stephen David, Indian of said Middleborough; for each of said Sums the Guardians are still accountable: And that the Accounts of Thomas Felix of Middleborough are all ballanced.

In Council, Read and Concurred. [*Passed June 25.*]

## CHAPTER 78.

## ORDER ALLOWING £2.1 TO THE COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINAWARE FOR THE COUNTY OF SUFFOLK IN 1763.

Legislative  
Records of the  
Council, xxvi.,  
65.

House Jour-  
nal, p. 232  
(February,  
1763); pp. 105,  
106. Province  
Laws, xvii.,  
338, chap. 256.

AN ACCOUNT of Robert Stone Innholder, of the Expence of the Committee appointed to farm out the duties of Excise on Tea, Coffee & China Ware for the County of Suffolk in 1763, having been laid before the Court with the Committee's Certificate thereupon, the following Order passed for the payment of the said Account viz<sup>t</sup>

Read and Accepted: And

*Ordered* that the Sum of Two pounds, one shilling, be paid out of the public Treasury to the Committee for their Service in that affair. [*Passed June 25.*]

## CHAPTER 79.

## RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIANS OF PUNKAPOG INDS.

Legislative  
Records of the  
Council, xxvi.,  
65. Mass.  
Archives,  
xxxiii., 347.

House Jour-  
nal, p. 107.  
Province  
Laws, xvi., 241,  
chap. 76, note;  
xvii., 360, chap.  
305.

UPON THE REPORT of the Com<sup>tee</sup> on the accounts of Joseph Billings Guardian to the Punkepaug Indians, Read &

*Resolved* that Said accounts be allowed and that the Said Joseph Billings Guardian be Further accountable for the Sum of sixty five Pound fifteen shillings and four pence of said Indians money Remaining in his hands. [*Passed June 25.*]

## CHAPTER 80.

RESOLVE ALLOWING £17.5 TO THE COM<sup>TEE</sup> TO CONSIDER OF SOLDIER'S SERVICES SINCE THE FIRST LOUISBURG EXPEDITION OF 1745.

THE COMMITTEE appointed & Directed by the Hon<sup>ble</sup> House of representatives to Set in y<sup>e</sup> Recess of the Court to Consider a reward for the Soldiers. Since the First reduction of Louisbourgh Pray an allowance for that Service

*Resolved* that their be paid to the s<sup>d</sup> Committee The Sum<sup>s</sup> following out of the Treasury viz<sup>t</sup>

To John Winslow Esq <sup>r</sup>	12 Days & 70 Mile at 6/	.	.	.	.	.	.	.	4. 13. 0
To Jon <sup>a</sup> Bagley Esq <sup>r</sup>	12. D <sup>o</sup>	80 .	.	.	.	.	.	.	4. 16
To Doct <sup>r</sup> Calf	12. D <sup>o</sup>	60 .	.	.	.	.	.	.	4. 10
To Tho <sup>a</sup> Gilbert Esq <sup>r</sup>	6.	100 .	.	.	.	.	.	.	3. 6

£17. 5. 0

[*Passed June 25.*

## CHAPTER 81.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF JOHN FAIRSERVICE FOR A HEARING ON AN APPEAL.

UPON THE PETITION of Jn<sup>o</sup> Fairservice of Boston Distiller, Shewing, that Suit was brought against him by Job Averell of Pownalborough in the County of Lincoln Gent<sup>n</sup> to be tryed at Pownalborough on the first Tuesday of June Instant, and that the Petitioner was on his passage to answer to the Action; but being detained by contrary Winds was defaulted, and Judgment made up against him, and Execution granted thereon, and he taken into Custody by the Sheriff of the County of Lincoln, the Petitioner prays liberty to appeal to the next Superior Court to be held at Falmouth &c

*Resolved*, That the Petitioner notify the said Job Averell that he appear on the second Wednesday of the next Session of the General Court to shew cause if any he have, why the prayer of the Petition should not be Granted, and that Execution be stayed in the mean time. Provided that the Petitioner give Bonds with good security to the Sheriff of the County of Lincoln, that he will be answerable for any Sum that may be recovered on the final Trial with Interest.

[*Passed June 25.*

## CHAPTER 82.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO LANDS LOST BY RUNNING LINE W<sup>TH</sup> N. HAMPSHIRE.

THE COMMITTEE of the two Houses appointed to consider of the petitions of sundry persons, who by runing the Line between this Government & New Hampshire, have lost their Lands, have attended that service, made Report: Whereupon the following Order passed viz<sup>t</sup>

Read and Accepted And

*Ordered* that the Several Grants therein mentioned be passed upon Seperately. [*Passed June 25.*

Legislative Records of the Council, xxvi., 66. Mass. Archives, lxxx., 587.

House Journal, p. 258 (February, 1765); p. 105.

Legislative Records of the Council, xxvi., 66.

House Journal, p. 107.

Legislative Records of the Council, xxvi., 67. Mass. Archives, v., 249.

Mass. Archives, v., 238-245; xlv., 509-515. Legislative Records of the Council, xxv., 428-31; xxvi., 21, 22, 32. House Journal, p. 298 (March, 1765); p. 96. *Post*, p. 208, chap. 204. *Infra*, chaps. 83-94.

## CHAPTER 83.

RESOLVE GRANTING 1,200 ACRES OF EQUIVALENT LAND TO THE LEGAL REPRESENTATIVES OF THE LATE HON. WILLIAM TAILER, ESQ<sup>E</sup>.

Legislative  
Records of the  
Council, xvi.,  
67. Mass.  
Archives,  
xli., 522.

Legislative  
Records of the  
Council, xxv.,  
430. House  
Journal,  
pp. 303, 304  
(March, 1765);  
p. 97. Prov-  
ince Laws, xi.,  
635, chap. 13.

ON THE PETITION of William Tailer Esq: only son of the late hon. William Tailer Esq: deceased, on behalf of himself and the rest of the heirs of the said deceased, shewing that the Great & General Court of this Province at their session in May 1732 granted one thousand acres of the unappropriated lands of the Province to the then Widow, who is since deceased, and to the Children of the said deceased William Tailer as a testimony of his good service done his Country; which land fell within the Province of New Hampshire on running the line between this Province & New Hampshire Government.

[Read and]

*Resolve'd*

That in lieu thereof there be granted to the legal representatives of the said William Tailer deceased the quantity of twelve hundred acres to be laid out in any of the unappropriated lands belonging to this Province; to be laid out adjoining to some former grant and that they return a plan thereof into the Secretary's office in twelve months from this day. [*Passed June 25.*]

## CHAPTER 84.

## RESOLVE GRANTING 145 ACRES OF EQUIVALENT LAND TO JOSHUA WINSLOW &amp; OTHERS PROPRIETORS OF COLRAIN.

Legislative  
Records of the  
Council, xxvi.,  
67. Mass.  
Archives,  
xli., 527.

House Jour-  
nal, p. 97.  
Province  
Laws, xii., 275,  
chap. 33.

ON THE PETITION of Joshua Winslow & others, praying for a consideration for one hundred and forty five acres of Land lost by the Proprietors of Colerain so Called; the said land falling into New Hampshire on running the line between this Government & New Hampshire.

[Read and]

*Resolve'd*

That in lieu thereof there be granted to the Petitioners their heirs & assigns One hundred & forty five acres out of a gore of six hundred & thirty nine acres adjoining to said Town: the residue of said Gore to remain to the Province and that they return a plan thereof into the Secretary's office in twelve Months from this day. [*Passed June 25.*]

## CHAPTER 85.

## RESOLVE GRANTING 7,350 ACRES OF EQUIVALENT LAND TO OLIVER PARTRIDGE AND OTHERS OF BERNARDSTON.

Legislative  
Records of the  
Council, xxvi.,  
68. Mass.  
Archives,  
xli., 524.

ON THE PETITION of Oliver Partridge Esquire & others, proprietors of a town called Bernardston shewing that on running the line between this Province & New Hampshire, they lost seven thousand three hundred & fifty acres of land.



[Read and]

*Resolv'd,*

That in lieu thereof there be granted to the proprietors of Bernardston who have lost their lands, their heirs & assigns Seven thousand three hundred & fifty acres of the unappropriated lands belonging to this Province, to be laid out adjoining to some former Grant: & that they return a plan thereof into the Secy's office in twelve months from this day. [*Passed June 25.*]

House Journal, p. 96.  
Province  
Laws, xii., 55,  
chap. 111; 197,  
chap. 167, note.

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## CHAPTER 86.

### RESOLVE GRANTING 400 ACRES OF EQUIVALENT LAND TO PELEG WISWELL.

ON THE PETITION of Peleg Wiswell, shewing that there was granted to the heirs & representatives of his father Ichabod Wiswell, agent for the late Colony of Plimouth, for his services, three hundred acres of land; and that the said Peleg had purchased all the shares of the other Children of the said Ichabod his father; That the whole of his lands granted fell within the Govern<sup>t</sup> of New Hampshire upon running the line between this Province & New Hampshire;

[Read and]

*Resolv'd,*

That there be granted to the said Peleg Wiswell his heirs & assigns four hundred acres of the unappropriated lands belonging to this Province in lieu thereof; to be laid out adjoining to some former Grant and that he return a plan thereof into the Secretary's Office in twelve months from this day. [*Passed June 25.*]

Legislative  
Records of the  
Council, xxvi.,  
68. Mass.  
Archives,  
xvii., 52b.  
Legislative  
Records of the  
Council, xxv.,  
431. House  
Journal, pp. 97,  
98. Province  
Laws, xii., 349,  
chap. 204; 368,  
chap. 20.

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## CHAPTER 87.

### RESOLVE GRANTING 1,500 ACRES OF EQUIVALENT LAND TO HEIRS OF THOMAS CORBET.

*Resolved* that there be granted to the Heirs & Assigns of the Rev<sup>d</sup> M<sup>r</sup> Thomas Corbet fifteen hundred Acres of the unappropriated Lands of this Province in lieu of Five hundred & twenty Acres, upon which he had made great improvements, and were lost, in Methuen on running the Line between this Province and New Hampshire, to be laid out adjoining to some former Grant; and that they return a plan thereof into the Secretary's office in twelve Months from this day. [*Passed June 25.*]

Legislative  
Records of the  
Council, xxvi.,  
68.  
Mass.  
Archives, xiv.,  
397-399. House  
Journal, p. 99.



## CHAPTER 88.

## RESOLVE GRANTING 1,080 ACRES OF EQUIVALENT LAND TO STORY DAWS AND PETER ROBERTS.

Legislative  
Records of the  
Council, xxvi.,  
68. Mass.  
Archives,  
xlv., 528.

House Jour-  
nal, pp. 98, 99.

*Resolve'd,*

That there be granted to Story Daws & Peter Roberts heirs of John White Esq; of Boston, One thousand and eighty acres of the unappropriated lands belonging to this Province in consideration of their loss of Nine hundred acres of equivalent lands taken from them on running the line between this Province And New Hampshire to be laid out Adjoining to some former Grant. and that they return a plan thereof into the Secretary's office in twelve months from this day. [*Passed June 25.*]

## CHAPTER 89.

## RESOLVE GRANTING 390 ACRES OF EQUIVALENT LAND TO JOSEPH WELD AND OTHERS.

Legislative  
Records of the  
Council, xxvi.,  
68. Mass.  
Archives,  
xlv., 521.

House Jour-  
nal, p. 98.

*Resolve'd*

that there be granted to Joseph Weld and others, heirs of John White Esq; three hundred and Ninety acres of the Unappropriated lands belonging to this Province in consideration of their loss of three hundred & twenty five acres which fell into New-Hampshire on running the line between this Province & that And that the same be laid out Adjoining to some former Grant. And that they return a plan thereof into the secretary's office in twelve months from this day. [*Passed June 25.*]

## CHAPTER 90.

## RESOLVE GRANTING 1,200 ACRES OF EQUIVALENT LAND TO MRS. ELIZABETH RAND.

Legislative  
Records of the  
Council, xxvi.,  
69. Mass.  
Archives,  
xlv., 520.

House Jour-  
nal, p. 145  
(January,  
1765); p. 98.  
Province  
Laws, xl., 795,  
chap. 219; xli.,  
61, chap. 122.

ON THE PETITION of M<sup>rs</sup> Elizabeth Rand in the right of Lieutenant Governor Goffe for one thousand acres of land granted in Consideration of Service done, & money paid by the s<sup>d</sup> Lien<sup>t</sup> Governor; which land (on running the line between this Province & New Hampshire) fell into that province.

[Read and]

*Resolve'd* That in lieu thereof there be granted to the Petitioner, her heirs & assigns twelve hundred acres of the unappropriated lands belonging to this Province. to be laid out Adjoining to some former grant: and that she return a plan thereof into the Secretary's office in twelve Months from this day. [*Passed June 25.*]

## CHAPTER 91.

RESOLVE GRANTING A TOWNSHIP OF SEVEN AND ONE HALF MILES SQUARE AS AN EQUIVALENT TO THE PROPRIETORS OF BAKERS TOWN.

ON THE PETITION of Samuel Gerrish Esq<sup>r</sup> on behalf of the Proprietors of a Township of the Contents of six miles Square, granted to the officers and Soldiers of the Companies under the Command of Cap<sup>t</sup> John March, Cap<sup>t</sup> Stephen Greenleaf and Cap<sup>t</sup> Philip Nelson commonly known by the name of Baker's Town, who were in the Expedition against Canada in 1690; that the whole of said Township fell within the Limits of New-Hampshire on the running the Line between this Province and New-Hampshire; for which the Grantees have received no Consideration, either from this Province, or the said Government of New-Hampshire.

[Read and]

*Resolved*, That in Lieu thereof, there be granted to the Petitioner, and the legal Representatives or assigns of the Original Grantees, a Township of the Contents of seven and an half Miles Square in the unappropriated Lands belonging to this Province

Provided, That the Grantees within six Years settle thirty Families in said Town, build a House for public worship and settle a Learned Protestant Minister, and lay out one Sixty fourth Part of said Town for the Use of the first settled Minister, and one other sixty fourth Part for the Ministry and one other Sixty fourth Part for a Grammar School, and one Sixty fourth Part for the Use of Harvard College.

Provided also, That the said Township be laid out on such a Part of the unappropriated Lands belonging to this Province, adjoining to some former Grants to the Eastward of Saco River; and that they return a Plan thereof into the Secretary's Office within twelve months from this Day for Confirmation. [*Passed June 25.*]

Legislative  
Records of the  
Council, xxvi.,  
69. Mass.  
Archives,  
cxviii., 150.

Legislative  
Records of the  
Council, xxv.,  
429. House  
Journal, p. 302  
(March, 1765);  
pp. 100, 101.  
Province  
Laws, xii., 348,  
chap. 203; 457,  
chap. 233; 512,  
chap. 88; 633,  
chap. 146.

## CHAPTER 92.

RESOLVE GRANTING A TOWNSHIP OF SEVEN MILES SQUARE AS AN EQUIVALENT TO THE PROPRIETORS OF ROWLEY (CANADA).

ON THE PETITION of Benjamin Mulliken Esq<sup>r</sup>, Mess<sup>rs</sup> Thomas Perley and Moody Bridges Agents for the Proprietors of a Tract of Land of six Miles Square, granted to John Tyler, Joseph Pike and Others, Officers and Soldiers in the Canada Expedition in 1690, known by the name of Rowley Canada; that the whole of said Tract fell within the Government of New-Hampshire, when said Line was ascertained, saving about two Thousand seven Hundred acres, which remained to this Province, and has been since sold by this Government, and is now Part of that Land called Royallshire.

[Read and]

*Resolved*, That in Lieu thereof, there be granted to the Petitioners, and the legal Representatives or Assigns of the Original Grantees, a Township of the Contents of Seven Miles Square, in the unappropriated Lands belonging to this Province.

PROVIDED, That the Grantees within six years settle thirty Families in said Town, build a house for public Worship, and settle a Learned

Legislative  
Records of the  
Council, xxvi.,  
69. Mass.  
Archives,  
cxviii., 111.

Legislative  
Records of the  
Council, xxv.,  
429. House  
Journal, p. 301  
(March, 1765);  
p. 104. Prov-  
ince Laws, xii.,  
348, chap. 203;  
550, chap. 177.

Protestant Minister, and lay out one Sixty fourth Part of said Town for the use of the first settled Minister, and one other sixty fourth Part for the Ministry, and one other Sixty fourth Part for a Grammar School, and one sixty fourth Part for the use of Harvard College.

Provided Also, That said Township be laid out on such a Part of the unappropriated Lands belonging to this Province, adjoining to some former Grants to the Eastward of Saco River; and that they return a Plan thereof into the Secretary's Office within twelve Months from this Day for Confirmation. [*Passed June 25.*]

## CHAPTER 93.

RESOLVE GRANTING A TOWNSHIP OF SEVEN MILES SQUARE AS AN EQUIVALENT TO THE LEGAL REPRESENTATIVES AND HEIRS OF THE COMPANY OF CAPT. JOSEPH SYLVESTER.

Legislative  
Records of the  
Council, xxvi.,  
71. Mass.  
Archives,  
cxviii., 152.

Legislative  
Records of the  
Council, xxv.,  
428. House  
Journal,  
pp. 301, 309  
(March, 1765);  
p. 101. Prov-  
ince Laws,  
xli., 145, chap.  
45; 147, chap.  
48; 289, chap.  
66.

ON THE PETITION of James Warren and Joseph Josslyn, Esq<sup>rs</sup> and Mr Charles Turner, Agents for the Proprietors of a Township granted to Cap<sup>t</sup> Joseph Sylvester and Company who served in the Expedition against Canada in 1690, which Township was known by the name of Sylvester Canada; and that the whole of said Township (on running the Line between this Province and New-Hampshire) fell within the Government of New-Hampshire.

[Read and]

*Resolved*, That in Lieu thereof there be granted to the Petitioners, and the legal Representatives or Assigns of the said Joseph Sylvester & Company a Township of the Contents of seven Miles Square in the unappropriated Lands belonging to this Province.

Provided, That the Grantees within six Years settle thirty Families in said Town, build a house for public Worship, and settle a Learned, Protestant minister, and lay out one sixty fourth Part of said Town for the Use of the first settled minister, and one other sixty fourth Part for the ministry, and one other sixty fourth Part for a Grammar School, and one sixty fourth Part for the Use of Harvard College.

Provided also, That the said Township be laid out on such a Part of the unappropriated Lands belonging to this Province, adjoining to some former Grants to the Eastward of Saco River; and that they return a Plan thereof into the Secretary's Office within twelve Months from this Day for Confirmation. [*Passed June 25.*]

## CHAPTER 94.

RESOLVE GRANTING A TOWNSHIP AS AN EQUIVALENT TO THE LEGAL REPRESENTATIVES AND HEIRS OF THE COMPANY OF CAPT. WILLIAM RAYMOND.

Legislative  
Records of the  
Council, xxvi.,  
71. Mass.  
Archives,  
cxviii., 141.

Mass.  
Archives,  
ccxliii., 96.

ON THE PETITION of the Agents for the Proprietors of a Township granted to Cap<sup>t</sup> Will<sup>m</sup> Raymond and others who served in the Expedition against Canada in 1690 which Township (on running the Line between this Province and New Hampshire)<sup>1</sup> fell within the Government of New Hampshire

[Read and]

<sup>1</sup> Inserted.

*Resolved* That in Lieu thereof there be granted to the Petitioners, and the legal Representatives or Assigns of the said William Raymond a Township of the Contents of Six miles and three quarters of a mile Square, in the unappropriated Lands belonging to this Province.

Maps and  
Plans, Mis.,  
xiv., 3. House  
Journal,  
pp. 103, 104.  
Province  
Laws, xli., 144,  
chap. 41; 238,  
chap. 255.

PROVIDED that the Grantees within six Years settle thirty Families in said Town build a House for public Worship and settle a learned Protestant minister, and lay out one sixty fourth part of said Town for the use of the first settled minister, and one other sixty fourth part for the ministry, and one other sixty fourth part for a Grammar School, & one sixty fourth part for the use of Harvard College.

PROVIDED also that the said Township be laid out on such a part of the unappropriated Lands belonging to this Province adjoining to some former Grants to the Eastward of Sacco River. And that they return a plan thereof into the Secretary's Office within twelve months from this day for confirmation. [*Passed June 25.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF SEPTEMBER, A.D.  
1765.

## CHAPTER 95.

ORDER ACCEPTING REPORT OF COMMITTEE FOR BURN<sup>d</sup> GOVERNMENT  
SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE  
SUM OF £93,164. 19. 8.

Legislative  
Records of the  
Council, xxvi.,  
79. Mass.  
Archives, civ.,  
367.

Mass.  
Archives, civ.,  
366. Legisla-  
tive Records of  
the Council,  
xxvi., 45.  
House Jour-  
nal, pp. 76, 127.

THE COMMITTEE appointed to repair to the Province Treasurers and take an account of the Government securities in his hands & see them burnt and consumed to Ashes, have attended that service and have received of M<sup>r</sup> Treasurer Gray Government securities payable in June 1758 of the old form Two hundred fifteen pounds, ten shillings & eleven pence, the Interest paid thereon Seventy two pounds one shilling & eleven pence makes Two hundred eighty seven pounds, twelve shillings & ten pence. Also Government Securities payable in October 1758 of the old form thirty two pounds, the Interest paid thereon Eight pounds, seventeen shillings and three pence, makes Forty pounds, seventeen shillings & three pence. Also Government securities payable in June 1760 of the old form One hundred eighty six pounds and eight pence the Interest paid thereon Twenty seven pounds, eighteen shillings and seven pence, makes Two hundred and thirteen pounds, nineteen shillings and three pence. Also Government securities payable in June 1761 old form Eighty eight pounds, the Interest paid thereon Eleven pounds nineteen shillings & seven pence, makes ninety nine pounds, nineteen shillings and seven pence. Also Government Securities payable in June 1762 old form Five hundred ninety five pounds five shillings and eleven pence, the Interest paid thereon Forty five pounds, fifteen shillings and two pence makes Six hundred Forty one pounds, one shilling and one penny. Also Government Securities payable in June 1763 of the old form Three hundred forty one pounds, the Interest paid thereon Twenty eight pounds fourteen shillings and ten pence, makes Three hundred Sixty eight pounds fourteen shillings and ten pence. Also Government Securities payable in June 1764 old form Nine hundred eighty two pounds, twelve shillings and four pence, the Interest paid thereon One hundred forty four pounds four shillings and four pence, makes Eleven hundred twenty six pounds sixteen shillings and eight pence. Also Government Securities payable in June 1765 old form Five thousand, nine hundred and eighty six pounds, six shillings and two pence, and the Interest paid thereon Five hundred and six pounds nine shillings, and nine pence, makes Six thousand four hundred ninety two pounds fifteen shillings & eleven pence. Also Government Securities payable in June 1763 new form Fifteen hundred and forty eight pounds, the

Interest paid thereon One hundred and three pounds sixteen shillings, makes Sixteen hundred fifty one pounds, sixteen shillings. Also Government Securities payable in June 1764 new form, Eleven thousand One hundred and seven pounds the Interest paid thereon Seven hundred fifty six pounds, ten shillings and two pence makes Eleven thousand, eight hundred Sixty three pounds ten shillings and two pence. Also Government securities payable in June 1765 new form, Sixty six thousand six hundred ninety three pounds, the Interest paid thereon Three thousand six hundred eighty four pounds, sixteen shillings & one penny, makes Seventy thousand three hundred seventy seven pounds, sixteen shillings & one penny. All which Sums amount to Ninety three thousand one hundred Sixty four pounds, nineteen shillings and eight pence, which we have seen burnt and consumed to Ashes

Signed AND<sup>w</sup> OLIVER *p* Order

Read and

*Ordered* that this report be accepted and that the Treasurer be discharged of the Sum of Ninety three thousand one hundred Sixty four pounds Nineteen Shillings and eight pence accordingly. [*Passed September 27.*]

## CHAPTER 96.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

THE ACCOUNT of Robert Luscombe Treasurer of the County of Bristol having been laid before the Court for allowance, the following Order passed thereon viz'

Read and Accepted: And

*Resolved* that the within Account (being right cast and well vouched;) be allowed, and that the Treasurer be discharged of the Sum of One hundred seventy nine pounds, two shillings and two farthings, and that a balance of the Sum of Forty seven pounds, five shillings and four pence due to the County he be further accountable for. [*Passed September 27.*]

Legislative  
Records of the  
Council, xxvi.,  
81.

House Jour.  
nal, pp. 14, 126.

## CHAPTER 97.

### RESOLVE IMPOWERING THE TOWN OF SCARBOROUGH TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of John Stuart, Representative for the Town of Scarborough Setting forth That one George Lebby Constable of the said Town was employ'd in the year 1762 to collect the Taxes laid upon said Town; that he had collected part, but not having collected the whole in season an Execution was issued from the Province Treasurer, whereupon he absconded, and the Town not being impowered by Law to appoint any other person to that office, Praying that they be enabled to empower some person to collect the Taxes that remain due.

[Read and]

Legislative  
Records of the  
Council, xxvi.,  
81.

House Jour.  
nal, pp. 126, 127.  
Province  
Laws, iv., 633,  
note.



*Resolved*, That the prayer of this petition be granted; and that the Town of Scarborough be and is hereby fully authorized and impowered at a Town Meeting called for that purpose to choose a suitable person to collect the outstanding Taxes that are borne on the Tax Bills committed to George Lebby to collect in the year 1762, who has absconded and not compleated his Collections, and the person so chosen shall be vested with all the powers and authorities to collect the same, that the Collectors of Taxes by Law are vested withal, and is hereby directed and required to pay in his Collections, to the respective Treasurers to whom the same are payable, and finish his Collections and settle his accounts with them by the last day of march next; and that the said Treasurers are hereby directed not to issue their Executions in the mean time. [*Passed September 27.*]

## CHAPTER 98.

RESOLVE IMPOWERING JOHN CHOATE, JR., GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
81. Mass.  
Archives, xix.,  
741.

Mass.  
Archives, xix.,  
740. House  
Journal, p. 128.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Choate jun<sup>r</sup> of Ipswich Guardian to Christian Lucy and Abigail Wainwright minors & Children of Jn<sup>o</sup> Wainwright late of Ipswich dec<sup>d</sup> Setting forth That John Wise late of Ipswich dec<sup>d</sup> Grandfather to the said Minors, did after certain Legacies devise the remainder of his Estate to the said Minors together with the Wife of the petitioner, and made his Brother M<sup>r</sup> Henry Wise his Exec<sup>r</sup> That the said Executor by Selling a considerable part of the Real Estate has been enabled to pay the Debts of the deceased; but that there remains Seventeen pounds unpaid of the Legacies. That there is a Dwelling house with about half an Acre of Land belonging to it situate in Ipswich, which House is so out of Repair, that it would take a considerable part of the value of the remaining Lands to fit it up, and after all would not accommodate the Heirs. And praying that he may be impowered in his capacity of Guardian to sell the said House and Land, that he may be thereby enabled to pay the Legacies, he to be accountable for the overplus.

[Read and]

*Resolved*

That the prayer of the pet<sup>n</sup> be Grantd and the petitioner is hereby fully Impowerd in his Capacity of Guardian to make Sale of the House & Land adjoining mentiond in s<sup>d</sup> Pet<sup>n</sup> for the most the Same will fetch; & to make & Execute a Good Deed or Deeds in the Law for y<sup>e</sup> Same, He first posting Up Notifications of the time & place of Sale, and Giving Caution to the Judge of Probate for the County of Essex that the Proceeds of said Sale be Applyed as follows Viz That the Sum of Seventeen pounds be Applyed for the paying Legacys & that He be accountable to the Judge of Probate of S<sup>d</sup> County for the remainder of the proceeds arrising by s<sup>d</sup> Sale.<sup>1</sup> [*Passed September 27.*]

<sup>1</sup> Adjourned to October 23. See Legislative Records of the Council, xxvi., 82.



## CHAPTER 99.

## ORDER ADJOURNING COURTS IN WORCESTER COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Worcester for the County of Worcester on the first Tuesday of November next; and divers of the Justices of said Courts and other persons who are concerned in business there, are Members of the General Court, and the important affairs of the Province now depending require their attendance. Wherefore

*Ordered*, That the said Court of General Sessions of the peace and Inferior Court of common pleas which by Law are to be held at Worcester aforesaid on the said first Tuesday of November, be and hereby are adjourned to the first Tuesday in January next to be held at the Court House in the said Town of Worcester at ten of the Clock in the forenoon of said day: And all pleas Writs Actions, Suits, Complaints, processes, precepts, Recognizances & other thing & things whatsoever returnable and having day or days in the said Courts, shall stand abide and continue unto the said Adjournment, and be held deemed & adjudged to be as good, effectual and available in Law to all intents & purposes whatsoever, as if such Courts had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed October 25.*]

Legislative  
Records of the  
Council, xxvi.,  
89.

House Jour-  
nal, pp. 140, 141.  
Province  
Laws, iv., 737,  
chap. 20; v., 65,  
note.

## CHAPTER 100.

## RESOLVE IMPOWERING MARY STANNY, EXECUTRIX, TO SELL REAL ESTATE.

A PETITION of Mary Stanny Executrix of Cap<sup>t</sup> Richard Stanny dec<sup>d</sup> Setting forth That the said deceaseds Real Estate is much out of repair and daily growing worse; that she has now a good opportunity to sell the said Estate And praying that she may be enabled to execute a Deed thereof, in order to pay off the Debts due on said Estate, She to account for the proceeds according to Law: the said Real Estate lying at the Northerly part of Boston and consisting of a House and Land butting Westerly on Back Street & Southerly on Beer Lane.

Read and thereupon

*Resolved* that the petitioner be and hereby she is authorised in her capacity of Executrix of Richard Stanny dec<sup>d</sup> to make Sale of the Real Estate mentioned in this Petition and to make and Execute a good Deed thereof in the Law, She first giving security to the Judge of Probate for the County of Suffolk that the proceeds shall be applied for the purposes mentioned in her petition. [*Passed October 25.*]

Legislative  
Records of the  
Council, xxvi.,  
89.

House Jour-  
nal, p. 130.

## CHAPTER 101.

## RESOLVE IMPOWERING DANIEL HUNT, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
90.

House Jour-  
nal, p. 139.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Daniel Hunt of Rehoboth Guardian to Anna Bosworth a Minor, daughter of Joseph Bosworth deceased Setting forth, That the said Minors personal Estate is insufficient to pay the charges he has been at for her account, besides which he hath expended for her to the amount of £130.8.7 and praying that he may be enabled to make Sale of her Real Estate to enable him to discharge the said Debt.

Read and

*Resolved* that the prayer of the Petition be granted, and the Petitioner in his capacity is accordingly impowered to make Sale of the whole of the said Minors Real Estate therein mentioned for the most the same will fetch for the purpose within mentioned, and to make and Execute a good Deed or deeds thereof, he observing the directions of the Law respecting the Sale of Real Estates of Intestates, the said Petitioner to account with the Judge of Probate for the County of Bristol after the Sale thereof. [*Passed October 25.*]

## CHAPTER 102.

## RESOLVE CONFIRMING THE PROCEEDINGS OF THE TOWN OFFICERS OF BOOTHBAY.

Legislative  
Records of the  
Council, xxvi.,  
90. Mass.  
Archives,  
cxviii., 155.

Mass.  
Archives,  
cxviii., 154.  
House Jour-  
nal, pp. 127, 138,  
139. Province  
Laws, i., 65,  
chap. 28.

A PETITION of the Selectmen of Boothbay Setting forth That soon after their Incorporation, the Inhabitants by virtue of a special order of the General Court assembled and chose Town officers, which was done in February last, and so neglected choosing such Officers in the month of March following, as by Law they ought to have done, which they are now sensible was a mistake in them. And praying that the officers chosen in February as aforesaid may be Confirmed in their respective Offices until new ones shall be chosen in March 1766

[Read and]

*Resolved* that the Prayer of the foregoing Petition be So far Granted that the Several Town officers Chosen in February last as mentioned in Said Petition, and their Proceedings in Consequence of their Respective offices for the time Past be held good and valid to all Intents & Purposes as much as tho they had been Chosen in the month of march last & that Said officers retain their respective offices and Excercise<sup>1</sup> the Same in Said Town untill others Shall be Chosen in their room to y<sup>e</sup> respetive<sup>1</sup> town offices in y<sup>e</sup> month of march next any thing in y<sup>e</sup> Law to y<sup>e</sup> Contray<sup>1</sup> notwithstanding. [*Passed October 25.*]

<sup>1</sup> *Sic.*

## CHAPTER 103.

## RESOLVE IMPOWERING JOSEPH HAYWARD, EXECUTOR, TO SELL A PORTION OF AN ESTATE.

A PETITION of Joseph Hayward Executor of the last Will & Testament of Joseph Maynard junr late of Sudbury deceased Setting forth That the said deceaseds Estate is indebted £78.13.2¾ more than the Moveables were appraised at. And praying that he may be impowered to sell so much of the Real Estate as will enable him to pay the said Debts.

Legislative  
Records of the  
Council, xxvi.,  
90.

House Jour-  
nal, p. 142.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Resolved* that the prayer of the petition be granted; and the petitioner Joseph Hayward be and hereby is impowered to make Sale of so much of said Estate as may be needful to pay the just debts of the deceased, and to make and execute a good Deed or deeds thereof in the Law, he observing the Steps of the Law for the sale of Real Estates. [*Passed October 25.*]

## CHAPTER 104.

## RESOLVE IMPOWERING WILLIAM STONE TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Stone Setting forth That he hath under his care one Mary Davis a person both deaf and dumb, and otherwise disabled by Age and Infirmities to support herself: that the said Mary's Mother left her a House and Land, at the Northerly part of Boston for her comfort and support, which House is now old and not tenantable: Therefore praying that he may be enabled to sell the said Estate, the produce thereof to be applied for the maintenance of the said Mary Davis.

Legislative  
Records of the  
Council, xxvi.,  
91.

House Jour-  
nal, p. 142.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that William Stone the Petitioner be and hereby is impowered to make Sale of the premises for the most they will fetch, and make and Execute a good Deed thereof in the Law, he observing the Rules of Law for the Sale of Real Estates by Executors and Administrators, and giving sufficient security to the Judge of Probate for the County of Suffolk, that the proceeds coming thereby shall be applied for the benefit of the within named Mary Davis, and the payment of her just debts, and that the overplus (if any be) to be secured for her lawful Heirs. [*Passed October 25.*]

## CHAPTER 105.

RESOLVE IMPOWERING MARY BROWN, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Brown Admin<sup>x</sup> of the Estate of her late Husband Isaac Brown of Waltham deceased Setting forth That the said deceased left four Children, and a small tenement lying in

Legislative  
Records of the  
Council, xxvi.,  
91.

House Journal, pp. 142, 143.  
Province  
Laws, ii., 151,  
chap. 10.

Waltham, and that his personal Estate is not sufficient to pay the said deceaseds debts. That the said Estate is incapable of a Division, and one of the daughters being Married would be glad of her share of her Fathers Estate. And praying that she may be enabled to make Sale of the premises, She to be accountable.

[Read and]

*Resolved* that the prayer of the within Petition be granted; and the Petitioner Mary Brown in her capacity of Admin<sup>r</sup> provided her present Husband Nathan Brown join with her in the Sale, be and hereby is impowered to make Sale of the Real Estate within mentioned for the most it will fetch, and to Execute a good Deed or Deeds in Law of the same, She observing the directions of the Law relating to the Sale of Real Estates by Exec<sup>rs</sup> and Administrators, and giving sufficient security to the Judge of Probate for the County of Middlesex, that the money arising from the Sale thereof shall be applied to the payment of the just debts of the within mentioned Isaac Brown deceased, and that the Overplus shall be divided among the Heirs of the deceased according to Law. Reserving to the Widow the Income of one third part thereof during her natural life, instead of her right of Dower in the premises. [*Passed October 25.*]

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## CHAPTER 106.

RESOLVE IMPOWERING ZEBULON LEONARD, GUARDIAN, TO SELL A PART OF AN ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
93.

House Journal, pp. 59, 72,  
147. Province  
Laws, xvii.,  
382, chap. 6.

A PETITION of Zebulon Leonard of Middleborough Guardian to Elkanah Leonard, a person Non compos mentis Setting forth That the said Elkanah's Estate is indebted the Sum of One hundred and twenty pounds And praying that he may be enabled to Sell so much of the said Elkanah's Real Estate as shall be sufficient to discharge his debts, so that his Estate may be settled.

Read and

*Resolved* that the prayer of the Petition be granted; and that the Petitioner be allowed to make Sale of so much of the Real Estate of Elkanah Leonard Esq<sup>r</sup> who is rendered Non compos mentis, as shall amount to the Sum of One hundred and twenty pounds in order to discharge the just debts due from said Estate; He the said Guardian rendring an Account to the Judge of the Probate of Wills for the County of Plymouth for allowance. [*Passed October 29.*]

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## CHAPTER 107.

RESOLVE IMPOWERING JAMES KERSWELL TO COLLECT UNPAID TAXES OF THE FIRST PARISH IN KITTERY.

Legislative  
Records of the  
Council, xxvi.,  
93.

House Journal, p. 141.  
Province  
Laws, iv., 696,  
note.

A PETITION of James Kerswell of Kittery Setting forth That in the year 1763 he was chosen Collector of Taxes for the first parish in Kittery & proceeded in collecting of the same; but it so hapned that the Warrant by which he acted was issued without a Seal, and 12 or 13 persons who are still in arrear do now refuse to pay him: And praying the interposition of this Court for relief.

[Read and]

*Resolved* that the abovenamed James Karswell late a Collector of the first Parish in Kittery in the County of York, be and he hereby is authorised and impowered to compleat and finish his Collections of all such Sum and sums of money as was duly assessed on the polls and Estates within said Parish in the year 1763 and committed to him to collect; and pay in the same pursuant to his directions, any supposed defect in his Warrant for want of a Seal or otherwise notwithstanding. [*Passed October 29.*]

## CHAPTER 108.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF JN<sup>o</sup> BORGHARDT AND OTHERS IN REGARD TO DISPUTE OVER SUM ALLOWED FOR BUILDING A MEETING HOUSE.

A PETITION of John Borghardt and others of Great Barrington setting forth That in the Spring of the year 1764 they contracted with M<sup>r</sup> James Eason of Pittsfield to labour in Building a House for the public worship of God in said Town, for which he was to be paid by the day according to the number of the days he should labour in said Service. That a difference at length arising the said James commenced a Suit upon the Agreement and the cause was Submitted to a reference, the Referees being Perez Marsh, Daniel Brown and John Chadwick Esq<sup>rs</sup> by whose Report the Petitioners apprehend themselves injured to the amount of Eighty pounds; for instead of allowing him for the time he was actually upon the business, they have allowed him from the time he began upon the work to the time it was finished, unless the petitioners could ascertain the number of days he was absent, which they were not able to do, and by this means they have allowed him for thirty days more than he had charged in his Account. That the said James owed one of the Petitioners viz<sup>t</sup> Peter Borghardt £15 upon a note which he had put in Suit which note by some means or other had got into the hands of the said Referees who is adjudged to lose his Debt, and pay Costs; and that by the like means Samuel Lee another of the Petitioners is like to lose the value of a Note of £6 which the said James had given to him the said Samuel. And praying relief.

[Read and]

*Resolved* That the prayer of this Petition be so far granted, as that the Petitioners notify the adverse party to make Answer and give his reasons on the second Thursday of the next sitting of this Court, why the prayer of this Petition should not be granted: And that the Petitioner serve the adverse party with a Copy of this Petition, and that Execution be stayed in the mean time provided the petitioners give security to the Sheriff of the County of Berkshire for such Sums as shall finally be found due and Interest thereon from this time. [*Passed October 29.*]

Legislative  
Records of the  
Council, xxvi.,  
94.

House Jour-  
nal, pp. 147, 148.

## CHAPTER 109.

## ORDER CONFIRMING A GRANT OF AN EQUIVALENT TOWNSHIP TO THE PROPRIETORS OF BAKERS TOWN.

Legislative  
Records of the  
Council, xxvi.,  
95. Maps and  
Plans, Mis.,  
xxxv., 23.

House Jour-  
nal, pp. 26, 100,  
101, 149, 151.  
*Ante*, p. 47,  
chap. 91.

A PLAN and description of a new Township, was laid before the Court containing the quantity of seven Miles and a half square of Land & Water granted by the General Court to the proprietors of Bakers Town so called lying and being in the County of Cumberland, and bounded as follows viz<sup>t</sup> beginning at a large Rock near the middle of Androscoggin River upon the great Falls or 20 miles Falls so called in said Androscoggin River, and from said Rock to run South 45<sup>d</sup> West four miles adjoining the Pejepsentt Patent to a spruce tree, thence South 33<sup>d</sup> East one Mile by the Southwesterly Line of the said Pejepsentt Patent to a Hemlock tree, thence South 45<sup>d</sup> West four Miles by the head line of New Gloucester to a pitch pine, thence North 45<sup>d</sup> West Seven Mile by Province Land to a fir Tree, thence North 45<sup>d</sup> East thirteen Miles to a pine tree standing by the side of Androscoggin River, thence Southerly down said Androscoggin River to the Bounds first mentioned.

Whereupon the following Order passed viz<sup>t</sup>

This Plan of a Township of Land of the Contents of Seven and a half Mile Square, Granted to Samuell Garrish Esq<sup>r</sup> and others, the orignall Grantees of a Township Call<sup>d</sup> Bakers town, Which Town by the Late Runing the Line Between this Province and the province of New hamp<sup>e</sup> fell Within the Bonnds of the Government of New Hamp<sup>e</sup> to them & their Legall Representatives and assigns And by them lay<sup>d</sup> out on the West Side of Anderscoggen River Bounded firstly to a Great Rock Near the Midle of anderscoggen River upon the Great falls or Twenty mile falls So Called in s<sup>d</sup> Anderscoggen River, and from s<sup>d</sup> Rock to Run South 45<sup>p</sup> West four mile adjoining the Pejepsent Patten to a Spruce Tree, thence South 33 Degrees East one Mile by the Southwesterly Line of the s<sup>d</sup> Pejepsent Patten to a Hemlock tree. Thence South 45 Degrees West four Mile by the head line of New Gloucester to a Pitch pine tree Thence North 45 Deg<sup>es</sup> West Seven mile by Province Land to a Fir Tree Thence North 45 Degrees East 13 mile to the s<sup>d</sup> Anderscoggen River thence Southerly Down s<sup>d</sup> Anderscoggen River to the Bound first mentioned Was Presented for acceptance, and accordingly

*Ordred* that it be & hereby is accepted, and the Land there in Contained is Confirmed unto them the s<sup>d</sup> orignall Grantees of s<sup>d</sup> Bakers Town So Call<sup>d</sup> their heirs and assigns for Ever they Complying With the Conditions of the Grant and Settle Sixty famaleys Pursuant to an agreement they have Since Come into, over & above the Thirty mentioned there in, Within Six years from this Date Provided the Same Doth not Exceed the Quantity of Seven and half mile Square Exclusive of Eight Thousand & Six Hundred acres allowance for Ponds there in Containd nor Enterfear With any former Grant. [*Passed October 30.*]



## CHAPTER 110.

RESOLVE IN REGARD TO THE TAXES IN THE TOWN OF STOUGHTON  
AND THE DISTRICT OF STOUGHTONHAM.

WHEREAS the Sum of Three hundred and sixty two pounds, eighteen shillings and  $4^d \frac{3}{4}$  was Ordered to be apportioned and assessed on the Town of Stoughton in the County of Suffolk this current year as their proportion of the Sum of Fifty thousand pounds province Tax. And whereas afterwards sometime in June last past, the second precinct in the said Town was incorporated into a separate District by the name of Stoughtonham; but no certain direction or Order then passed for ascertaining their proportion of the aforesaid Sum of Three hundred and sixty two pounds eighteen shillings and  $4^d \frac{3}{4}$  whereby some doubts have arisen what said Districts proportion thereof should be; Therefore

*Resolved* that the said District be and they hereby are ordered to pay the Sum of One hundred & eighteen pounds, three shillings and five pence two farthings a part thereof; and that the Province Treasurer be and he hereby is impowered and directed to send forth his Warrant to the Selectmen of said District for the said Sum accordingly; and to the Selectmen of the Town of Stoughton for the remaining Sum of Two hundred and forty four pounds, fourteen shillings and eleven pence  $\frac{1}{4}$  only, the same to be their proportion in all other future Taxes; and that the County Treasurer is likewise directed to send out his Warrants in the same proportion. [*Passed October 30.*]

Legislative  
Records of the  
Council, xxvi.,  
96.

House Jour-  
nal, pp. 149, 154.  
Province  
Laws, iv., 808,  
chap. 6; 820,  
chap. 18; 865,  
note.

## CHAPTER 111.

ORDER IMPOWERING WM WILLIAMS, ADM<sup>r</sup>, TO SELL REAL ESTATE AND  
MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Williams Admin<sup>r</sup> of the Estate of Jonathan Stedman late of Westminster dec<sup>d</sup> Intestate, and of Tabitha Stedman Widow of said deceased Setting forth That the personal Estate of the deceased if disposed of would be insufficient to pay his Debts, and would at the same time deprive the Widow, and the two Children of the deceased of sufficient means to subsist with Comfort; that he died seized of about thirty Acres of Land chiefly unimproved. And praying that he the said administrater may be impowered to make Sale of the said Land for the reasons before-mentioned.

Read and Accepted: And

*Ordered* that the petitioner William Williams be and hereby is impowered to make Sale of the Real Estate mentioned in the above petition for the most the same will fetch, and to make and Execute a good Deed or Deeds in Law for the same, he observing the directions of the Law for the Sale of Real Estates by Exec<sup>rs</sup> and admin<sup>rs</sup>, He also giving sufficient security to the Judge of Probate for the County of Worcester that the money arising by the Sale thereof more than what is sufficient to pay the Debts and Settling the Estate of the deceased, be put out to Interest for the benefit of

Legislative  
Records of the  
Council, xxvi.,  
97.

House Jour-  
nal, pp. 127, 154,  
155. Province  
Laws, ii., 151,  
chap. 10.



the Heirs of the deceased, excepting only the annual Interest of one third part thereof for the use of the Widow during her natural life. [*Passed October 30.*]

## CHAPTER 112.

### RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF SAMUEL LEE IN REGARD TO A BOND.

Legislative  
Records of the  
Council, xxvi.,  
98. Mass.  
Archives,  
xliv., 574.

Mass.  
Archives,  
xliv., 573.  
House Jour-  
nal, p. 150.

A PETITION of Samuel Lee of Great Barrington setting forth That he hath been deputy keeper of his majesty's Goal in the County of Berkshire under Elijah Williams Esq<sup>r</sup> the Sheriff of s<sup>d</sup> County to whom he gave Bond upon his entring on said office in the sum of Ten thousand pounds to indemnify the said Sheriff for his doings as Keeper of the said Goal: That there have been divers judgments obtained against the said Sheriff for the escape of sundry prisoners to the amount of Fifty pounds, whereupon he put in suit the petitioners Bond, and hath recovered the full Sum mentioned therein, the petitioner being at the time of said Suit continued in Goal, and his Attorney failing to attend, Judgment was given against him by default; and execution has been since extended upon his Estate to the amount of £820 to the Petitioners utter ruin unless relieved by this Court. And praying that the Court from which said judgment came may be directed to chancer the said Bond to the just debt and damages.

Read &

*Resolved* that the within named Elijah william Esq<sup>r</sup> be Notified the Pet<sup>r</sup> Leaving a copy of this Pet<sup>n</sup> with him to make answer y<sup>r</sup> to the second wednesday of the Next sitting of this Court, and that all Further Proceedings upon the Judgment of Court mentioned in said Petition And Execution y<sup>ron</sup> be Stayed in the mean time.<sup>1</sup> [*Passed October 31.*]

## CHAPTER 113.

### RESOLVE DIRECTING THE PROVINCE TREASURER TO PAY TO JOHN STILL WINTHROP, ESQ<sup>r</sup>, THE INTEREST DUE ON A GOVERNMENT NOTE.

Legislative  
Records of the  
Council, xxvi.,  
99. Mass.  
Archives, lvi.,  
458.

Mass.  
Archives, lvi.,  
456. House  
Journal,  
pp. 155, 157.  
Province  
Laws, iv., 516,  
chap. 29; 576,  
chap. 6; 625,  
note.

A PETITION of John Still Winthrop Esq<sup>r</sup> of New London setting forth That on the 28<sup>th</sup> of August 1761, he lent this Government Six hundred pounds and took M<sup>r</sup> Treasurer Gray's Note for the same payable by the 20<sup>th</sup> of June 1765 with the Interest annually 'till paid. That only one years Interest has been paid on said Note, and that an Order has since passed for calling in all the Notes of that form & exchanging them for Notes of a new form on penalty of loosing the Interest: that by reason of his distance he was unacquainted with said Order, whereby he is like to lose the rest of the Interest, unless aided by the Government who have had the use of his Money. And praying relief.

[Read and]

*Resolv<sup>d</sup>* that the Treasurer be directed to pay John Still Wentthrop

<sup>1</sup> At the hearing, January 28, 1766, this petition was dismissed. — House Journal, p. 228.

Esq<sup>r</sup> the whole of the Interest of the Note Mention<sup>d</sup> in his petition to the 20<sup>th</sup> of June last he living out of the province and not inform<sup>d</sup> of the Ord<sup>r</sup> of this Court pass<sup>d</sup> in Octo<sup>r</sup> 1762. [*Passed October 31.*]

## CHAPTER 114.

### RESOLVE IMPOWERING JACOB TOWNSEND, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jacob Townsend Admin<sup>r</sup> of the Estate of his Father John Townsend late of Wilmington deceased setting forth That his said Father died Seized of about fifty Acres of Land lying partly in Reading and partly in Wilmington, one third of which appraised at £16.11.3 is set off to the Widow as her Dower and that the rest of his Estate both Real and personal being insufficient to pay his Debts, the Estate is represented Insolvent And praying that he may be impowered to Sell the other two thirds of the Real Estate in order to pay the Debts.

Read and

*Resolved* that the prayer of the Petition be granted, and that the Petitioner Jacob Townsend be and he hereby is impowered to make Sale of the premises for the most they will fetch, and to make and Execute a good Deed or Deeds thereof in Law; first giving sufficient Caution to the Judge of Probate for the County of Middlesex that the proceeds arising by such Sale shall be secured & applied for the payment of the just debts of the deceased; and the Overplus (if any be) be divided in due proportion among the Heirs of the deceased. [*Passed November 1.*]

Legislative  
Records of the  
Council, xxvi.,  
100.

House Jour-  
nal, pp. 157, 158.

## CHAPTER 115.

### RESOLVE IMPOWERING ABIG<sup>L</sup> MERROW, EXECUTRIX, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abigail Merrow Widow of Henry Merrow late of Reading deceased Setting forth That her said Husband did by his last Will and Testament give to her the said Abigail the improvement of his Real Estate during her natural life, and did therein order that his Land should be Sold for her support if the Income should prove insufficient but did not empower any person to Sell it; except only two Acres of Medow which has been already Sold for that purpose: That she is now in Debt near Ten pounds Sterling for the necessaries of life, and in the eighty third year of her age. And praying that she may be enabled to sell about Eight Acres of pasture lying at a distance from the home lot for the purpose mentioned in said Will

Read and

*Resolved* that the prayer of the Petition be granted, and that the Executor<sup>1</sup> above named be and hereby is impowered to make Sale of the Eight Acres above-mentioned to pay the debts of the Petitioner, and to further support her; and to make and Execute a good Deed thereof in Law: He<sup>1</sup> observing the Steps of the Law for the Sale of Real Estates, and giving sufficient caution to the Judge of

Legislative  
Records of the  
Council, xxvi.,  
101.

Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> *Sic.*

Probate for the County of Middlesex that the proceeds coming by such Sale shall be applied accordingly, and the Overplus if any be, shall be distributed to and among the Heirs of the last Will and Testament of Henry Merrow.<sup>1</sup> [*Passed November 1.*]

## CHAPTER 116.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF EBEN<sup>s</sup> AYER & OTHERS TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xxvi.,  
101.

House Jour-  
nal, p. 159.

A PETITION of Eben<sup>r</sup> Ayer, Tristram Jordan, Amos Chase & Sam<sup>l</sup> Chase all of Pepperelborough Setting forth That Dominicus Scammon & Others brought an Action of Ejectment against the Memorialists for 200 Acres of Land in said Pepperelborough and for part of a Saw Mill that the said Action was by consent of parties continued to the Inferior Court held at Bideford for the County of York the second Tuesday of October Instant, when it was agreed that the said Cause should be carried up by Demurrer to the next Superior Court to be held in and for said County, and the pleadings mutually agreed upon and Signed by the Council for both parties, in pursuance of which Judgment was rendered for the Plaintiffs to recover possession of the Premises demanded. That the Council for the Memorialists told the Clerk of the Court to enter the appeal to the Superior Court; but he omitted the same, which was discovered the day after the rising of the Court and the Plaintiffs taking advantage of the said Omission have sued out an Execution. And praying that they may be enabled to bring forward their Action at the next Superior Court to be holden for said County in like manner as if the proposed appeal had been duly entered.

Read and

*Ordered* that the Petitioner serve the Adverse party with a Copy of this Petition that he shew cause if any he hath the second Tuesday of the next sitting of this Court why the prayer thereof should not be granted And Execution is stayed in the meantime. [*Passed November 1.*]

## CHAPTER 117.

RESOLVE IMPOWERING ANN CUTLER TO JOIN IN A SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
102.

House Jour-  
nal, p. 149.

A PETITION of Ann Cutler, Widow of Abner Cutler late of Paxton Husbandman deceased Setting forth That she had set off to her as her thirds in the said deceaseds Estate, one half the House, the Barn and about twenty nine Acres of Land: That the remaining part of the deceaseds Estate was Settled on his eldest Son who is determined to sell the same. And praying that she may be empowered to make Sale of her thirds under due restrictions.

[Read and]

*Resolved* that the prayer of the Petition be granted: and that Anna Cutler be, and she hereby is empowered to join with her Son Thomas Cutler in making Sale of the premises for the most they

<sup>1</sup> Not found in the House Journal.

will fetch, and in making & executing a good and sufficient deed or deeds thereof in Law; She first giving caution to the Judge of Probate for the County of Worcester that the proceeds coming by such Sale shall be well secured for the benefit of the Heirs of the within named Abner Cutler after her decease; and that the Petitioner have the Income only during her natural life instead of dower. [*Passed November 1.*]

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## CHAPTER 118.

### RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF WORCESTER TO SETTLE AN ESTATE.

A PETITION of Nath<sup>l</sup> Whitcomb Executor of the last Will & Testament of Amos Thomas of Hardwick deceased Setting forth That the said deceased by his Will aforesaid gave specific Legacies in Money to be paid to his several Children, but never directed how the said Money should be raised. That his personal Estate is expended in paying the Debts and one absolute Legacy; that his Real Estate consists of about Fifty Acres of Land and a House and Barn thereon which is incapable of a Division and going to ruin; that there are three Children of age and four still in their minority. And praying that the Judge of Probate may be empowered to settle the said Estate on the eldest Son in the same manner as by Law he might have done, had the deceased died Intestate.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Judge of Probate for the County of Worcester is hereby empowered to settle the whole of the Real Estate therein mentioned upon the said William Thomas the eldest Son of the said deceased (as if the said Estate had been intestate.) Provided the said William shall give sufficient security to the said Judge that he will pay the Legacies in the said Will mentioned, which are now unpaid reserving to the Widow the lawful Interest of the amount of her thirds upon Apprisement during her natural life and after her decease the same to be divided among the legal Heirs of the said Amos Thomas agreeable to Law, and if there should be any surplusage upon Apprisement after the Widows thirds are deducted over and above the Legacies ordered by said Will, the same shall be divided among the said Heirs agreeable to the Will. [*Passed November 1.*]

Legislative  
Records of the  
Council, xxvi.,  
102.

House Jour-  
nal, pp. 144, 148.

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## CHAPTER 119.

### ORDER REFERRING THE PETITION OF THO<sup>s</sup> TORREY IN REGARD TO A RE-TRIAL OF AN ACTION.

A PETITION of Tho<sup>s</sup> Torrey of Plymouth praying liberty of a new Trial of an Action brought against him by Robert Williams of Braintree for the reason therein mentioned [*ante*, p. 17, chap. 25]

[Read and]

*Ordered* that the consideration of this Petition be referred till the second Tuesday of the next Session of this Court, and the respondent is allowed then to make Answer. [*Passed November 1.*]

Legislative  
Records of the  
Council, xxvi.,  
103.

House Jour-  
nal, pp. 52, 53,  
56, 160. *Ante*,  
p. 17, chap. 25.

## CHAPTER 120.

## ORDER CONFIRMING A PORTION OF THE GRANT OF LAND MADE TO EPHRAIM KEYS.

Legislative  
Records of the  
Council, xxvi.,  
103.

House Jour-  
nal, p. 160.  
Province  
Laws, xvii.,  
622, chap. 258.

THE FOLLOWING RETURN of a Survey with a plan annexed was laid before the Court for Confirmation viz<sup>t</sup>

Surveyed and laid out to M<sup>r</sup> Ephraim Keys as part of his Grant made by the Great and General Court Feb<sup>y</sup> 22<sup>d</sup> 1765 of three hundred Acres to be taken up in the unappropriated Lands of the Province lying either in the County of Hampshire or Berkshire. Begun near the middle of the West line of Pittsfield, and from thence West 30<sup>d</sup> North one Mile and three quarters to a beach Tree marked **E K** at which tree begins the Southeast corner of this survey, from said Beach tree North 30<sup>d</sup> East two hundred and seventy rods to a Stake and Stones, Stake mark'd **E K**, then West 30<sup>d</sup> North One hundred and eighty rods to a beach tree marked **E K**, then South 20<sup>d</sup> West two hundred and Seventy rods to a beach tree marked **E K**. Then strait to the first mentioned bounds containing Two hundred Sixty one Acres and ninety rods of Ground, there being no more Land to be taken at said place

Read and

*Ordered* that the within plan be accepted, and that the Lands herein delineated & described be and hereby are granted and Confirmed to the Petitioner Ephraim Keys. Provided the same does not exceed the quantity said to be contained in the within Plan, and in case the same does not interfere with any other or former Grant; and that said Ephraim Keys have liberty to lay out forty eight Acres and seventy rods of the unappropriated Lands of this Province in order to compleat his Grant of Three hundred Acres. [*Passed November 1.*]

## CHAPTER 121.

## RESOLVE ON THE PETITION OF CAPT. HENRY YOUNG BROWN IN REGARD TO THE SETTLEMENT OF A TOWNSHIP, ETC.

Legislative  
Records of the  
Council, xxvi.,  
93, 103.

Mass.  
Archives,  
cxviii., 87, 158.  
House Jour-  
nal, pp. 149, 159.  
Province  
Laws, xvii.,  
429, chap. 114;  
522, chap. 26.

A PETITION of Henry Young Brown Setting forth That he did in consequence of a Grant of the General Court 23<sup>d</sup> January 1764 lay out a Township on each side of Saco River above the Town laid out by Col<sup>o</sup> Frye and returned a plan thereof which was accepted and confirmed by the Court on certain conditions. That he hath removed his Family to said Township and done his utmost to forward the Settlement of it, but is interrupted by one Daniel Foster and others who claim the greater part of the said Township by Virtue of a Grant from the Governor of New Hampshire. And praying the interposition of this Court.

Read and

*Resolved* that the petitioner Henry Young Brown be directed to go forward in his improvements and Settlements in the Township purchased of this Province & mentioned in his Petition. And if any persons should attempt to lay out any of the Lands within said Town or make any Settlements there, the said Petitioner Henry Young Brown should properly warn them against laying out any

of the Lands or making any Settlement within the bounds of said Town; and if the Petitioner should meet with any difficulties of that sort, that he make information to this Court of the same, who will be ready to afford him such relief as shall be judged best. And be it further

*Resolved* that his Excellency be desired to write to the Governor of New Hampshire desiring him to move it to the Assembly of that Province to appoint a Committee to join with a Committee of this Government to run the Line between that Government and the Province of Maine so called, that so the affair may be amicably settled between the Governments. [*Passed November 1.*]

## CHAPTER 122.

### RESOLVE CONFIRMING A GRANT OF AN EQUIVALENT TOWNSHIP TO THE PROPRIETORS OF BERNARDSTOWN.

A PLAN containing 7,350 Acres laid out on Hoosuck Mountain to satisfy a Grant made by the Great and General Court June 25<sup>th</sup> 1765 to the proprietors of Bernardston who had their Lands taken off by the running the Line between the Massachusetts & New Hampshire Dated October 24<sup>th</sup> 1765. and Signed Moses Hawks Surveyor was presented to the Court for allowance, Whereupon the following passed viz<sup>t</sup>

*Resolv'd* That this Plan of Land Containing Seven Thousand Three hundred and fifty Acres Laid out to Satisfy a Grant of Land made to y<sup>e</sup> Proprietors of Bernardstown, who lost their Land by y<sup>e</sup> Running of y<sup>e</sup> line between New Hampshire and this Province. Be Confirm'd Provided it Does not exceed y<sup>e</sup> Contents of y<sup>e</sup> Grant nor Interfere with any former Grant. [*Passed November 1.*]

Legislative  
Records of the  
Council, xxvi.,  
104. Maps and  
Plans, Mss.,  
xxxvii., 5.

House Jour-  
nal, pp. 96, 159,  
160. *Ante*,  
p. 44, chap. 85.

## CHAPTER 123.

### ORDER ALLOWING £2 TO RICH<sup>d</sup> WILDE.

A PETITION of Richard Wilde of Shutesbury setting forth That the petitioner was a Soldier in the pay of the Province in Col<sup>o</sup> Saltontal's regiment in 1760 That he was sent Sick from the Camp to Albany where he remained sick some time, and afterwards lay Sick on the Road before he got home where also he remained Sick for two Months; that he applied to the Court for relief the same year or the year after, and was informed that the House granted him forty shillings but that by some accident his Petition was mislaid before it got thro' and praying that his case may now be considered.

Read and

*Ordered* that the Sum of two pounds be paid out of the publick Treasury to m<sup>r</sup> David Wilder for the Use of the Pet<sup>r</sup> in full for his sufferings mentioned. [*Passed November 1.*]

Legislative  
Records of the  
Council, xxvi.,  
104. Mass.  
Archives,  
lxxx., 596.

Mass.  
Archives,  
lxxx., 594.  
House Jour-  
nal, pp. 160, 161,  
162.



## CHAPTER 124.

ORDER DIRECTING THE PROVINCE TREASURER TO APPLY FOR AND RECEIVE MONEY DUE PROVINCE IN THE HANDS OF THE REGISTER OF THE COURT OF VICE ADMIRALTY.

Legislative  
Records of the  
Council, xxvi.,  
105. Mass.  
Archives,  
xliv., 575.

House Jour-  
nal, pp. 217, 223  
(February,  
1765); pp. 162,  
163.

In the House of Rep<sup>res</sup>  
Whereas this House have been informed that a Sum of Money has been decreed by the Judge of the Court of Vice Admiralty, to this Province as it's part of forfeitures, which money is now in the hands of the Register of said Court.

*Ordered* that the Treasurer of the Province be and hereby is im-  
powered and directed to apply for and recieve said money for the  
Use of the Province and give a discharge for the same.

In Council

Read and Concurred. [*Passed November 1.*]

## CHAPTER 125.

ORDER CONFIRMING A GRANT OF A TOWNSHIP TO THE ORIGINAL GRANTEES OF ROWLEY CANADA.

Legislative  
Records of the  
Council, xxvi.,  
105. Maps and  
Plans, Mis.,  
xlvi., 9.

House Jour-  
nal, pp. 25, 104,  
158, 161.  
*Ante*, p. 47,  
chap. 92.

A PLAN of a Township of seven Miles square granted to Benjamin Mulliken and Others, as certified by Moody Bridges Surveyor was laid before the Court for Allowance. Whereupon the following Vote passed viz<sup>t</sup> In the House of Representatives. This Plan of a Township of Land of the Contents of seven Miles square granted to Benjamin Mulliken Esq<sup>r</sup> and other original Grantees of a Township called Rowley Canada, which Town by the late runing the Line between this Province and the Province of New Hampshire fell within the bounds of the Government of New Hampshire to them and their legal Representatives & assigns & by them laid out on the East side of Saco River, bounded firstly with a pine Tree, the East Corner bound of Col<sup>o</sup> Joseph Frye's Township, thence South 25 degrees East nine Miles to a stone set into the ground thence East 25 degrees North six Miles & a half to a stone set into the ground, thence North 25 degrees West nine Miles to a stone into the ground, thence West 25 degrees South six Miles & a half to the first Bound, was presented for acceptance, and accordingly

*Ordered* that it be & hereby is Accepted & the land therein Contained is Confirmed unto them the s<sup>d</sup> Original Grantees of s<sup>d</sup> Rowley Canada So Called their Heirs & Assigns forever they Complying with the Conditions of the Grant & Settle Fifty one Families Pursuant to An Agreement they have Since Come into over & above the Thirty mentioned therein within Six years from this Date Provided the Same Doth not Exceed the Quantity of Seven Miles Square Exclusive of Six Thousand & Eighty Acres Allowance for ponds Mountain & Bogg therein Contained nor Interfere with any Former Grant. [*Passed November 1.*]



## CHAPTER 126.

ORDER IMPOWERING WM PARSONS & OTHERS TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Parsons, Nathaniel Parsons & Willard Parsons Setting forth, That their Father William Parsons late of Gloucester deceased by his last Will and Testament having given his Real Estate to and among his Children (part where of is thought to be thereby entailed) ordered his Debts to be paid by them in proportion: That the Debts amount to £1,525.5.10 more than the personal Estate: That the petitioners proportion of said Debt amounts to upwards of Three hundred pounds each, which they can discharge only by the Sale of some part of the Lands; and that it would be most convenient for them to dispose of some part of the Estate supposed to be entailed in order to discharge such debts. And praying that they may be empowered to make Sale of so much of the said Estate as shall be sufficient to discharge their proportion of the said Debts.

[Read and]

*Ordered* that this Petition be revived; And that the prayer thereof be granted: And the Petitioners are hereby fully authorised and empowered to make Sale of so much of the Real Estate of their Father William Parsons deceased of which he died Seized in fee and which he gave them by his last Will and Testament as shall enable them to pay their respective proportions of the Debts of their said Father according to the directions of his Will; and they are also hereby fully empowered to make and Execute a good Deed or Deeds in Law of the Lands they may sell for the purposes aforesaid. [*Passed November 4.*]

Legislative  
Records of the  
Council, xxvi.,  
106.

House Jour-  
nal, pp. 86, 166.

## CHAPTER 127.

ORDER ALLOWING THE ACCOUNT OF PAYMENTS BY TIMOTHY WOOD-  
BRIDGE TO THE STOCKBRIDGE INDIANS.

AN ACCOUNT of Timothy Woodbridge Esq<sup>r</sup> was laid before the Court of the money by him paid to the Stockbridge Indians as Agent for said Indians in conveying their Lands to the Government lying in the Western part of the Government, whereby it appears that he had paid them of the purchase money to the amount of Fifteen hundred and seventy three pounds, four shillings & three pence.

Whereupon the following Order passed viz<sup>t</sup>

Read and

*Ordered* that the within account be allowed He having paid them (the said Indians) to the Amount of fifteen hundred and seventy three pounds four Shill<sup>rs</sup> and three pence. And that the Treasurer be directed to discharge him the Accountant to the amount of that Sum upon the Bond the s<sup>d</sup> Accomptant gave to the Government for Moneys He had out of the Treasury for the purpose aforesaid. [*Passed November 6.*]

Legislative  
Records of the  
Council, xxvi.,  
108. Mass.  
Archives,  
xxxiii., 353.

Mass.  
Archives,  
xxxiii., 351.  
House Jour-  
nal, pp. 144, 161.  
Province  
Laws, xv., 354,  
chap. 66.

## CHAPTER 128.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE AND CHINA WARE FOR THE COUNTY OF LINCOLN AND ALLOWING £2.1 FOR THE EXPENSE THEREOF.

Legislative  
Records of the  
Council, xxvi.,  
109.

House Jour-  
nal, p. 168.  
Province  
Laws, xvii.,  
534, chap. 59.

THE COMMITTEE appointed to farm out the Excise on Tea, Coffee & China ware in the County of Lincoln reported that they had Sold the same to Col<sup>o</sup> Charles Cushing and taken his Bond for the amount which they had lodged with the Province Treasurer: And pray an allowance for the charges attending the Sale amounting to £2.1.

Read and accepted: And

*Ordered* that the Sum of Two<sup>1</sup> pounds, one shilling be allowed the Committee out of the public Treasury for their service in the affair. [*Passed November 6.*]

## CHAPTER 129.

Legislative  
Records of the  
Council, xxvi.,  
109. Mass.  
Archives,  
lviii., 551.

House Jour-  
nal, p. 173.

RESOLVE ALLOWING PROVINCE LAW BOOKS TO HARVARD COLLEGE.

*Resolved* that a present be made to the Library at Harvard College of the perpetual and temporary Laws of the Province at the publick Charge. [*Passed November 6.*]

## CHAPTER 130.

RESOLVE ADJOURNING COURTS IN BRISTOL COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
109.

House Jour-  
nal, p. 172.  
Province  
Laws, iv., 737,  
chap. 20; v., 65,  
note.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Taunton in the County of Bristol on the third Tuesday of November Instant, and it is apprehended that but little if any business will be done at said Courts. Wherefore

*Resolved* that the said Court of General Sessions of the Peace and Inferior Court of Common pleas which by Law are to be held at Taunton aforesaid on the said third Tuesday of Novem<sup>r</sup> instant be and hereby are adjourned to the third Tuesday of February next to be held at the Court House in the said Town of Taunton at ten O'Clock in the forenoon of said day: And all pleas, Writs, Actions, suits Complaints, processes, precepts, Recognizances and other thing or things whatsoever returnable and having day or days in the said Courts shall stand valid and continue unto the said Adjournment, and be held deemd and adjudged to be as good, effectual and available in Law to all intents & purposes whatsoever, as if such Court had been held & kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed November 6.*]

<sup>1</sup> The House Journal, p. 168, reads, £1. 1.

## CHAPTER 131.

## RESOLVE ADJOURNING COURTS IN BARNSTABLE COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Barnstable in the County of Barnstable on the first Tuesday in December next, and it is apprehended that but little if any business will be done at said Court. Therefore,

*Resolved* that the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be held at Barnstable aforesaid on the first Tuesday in December next, be and hereby are Adjourned to the first Tuesday of April next to be held at the Court House in the said Town of Barnstable at ten o'clock in the forenoon of said day: And all pleas Writs, Actions, Suits, Complaints, processes, precepts, Recognizances and other thing or things whatsoever, returnable and having day or days in the said Courts, shall stand valid and continue unto the said Adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Court had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed November 6.*]

Legislative  
Records of the  
Council, xxvi.,  
110.

House Jour-  
nal, pp. 173, 174.  
Province  
Laws, iv., 737,  
chap. 20.

## CHAPTER 132.

## RESOLVE IMPOWERING THE GUARDIAN OF THE PUNKAPOG INDIANS TO BIND OUT CHILDREN.

*Resolv'd* that Mr Joseph Billing Guardian to the Punkapog Indians be order'd and Directed, to take the Same Care of the Melattoes, Children of the Punkapog Indians, as of the other Indians, and he is also hereby empower'd to Bind out the Said melatto Children in the Same manner as he is Directed to Bind out the other Indians, and that he Repay to the Treasurer of the Town of Milton the Sum they have advanc'd for the afores<sup>d</sup> Indians, Provided the Same Exceed not the Sum of three pounds. [*Passed November 7.*]

Legislative  
Records of the  
Council, xxvi.,  
111. Mass.  
Archives,  
xxxiii., 355.

House Jour-  
nal, p. 174.  
Province  
Laws, xvii.,  
362, chap. 311.  
*Ante*, p. 42,  
chap. 79.

## CHAPTER 133.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ISAAC DUPEE TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Isaac Dupee of Boston Setting forth That he agreed with one Jeremiah Russell to repair for him a certain Building for which he was to be allowed what should be adjudged reasonable by Mess<sup>rs</sup> Joy and Stutson two Carpenters, and to take his pay out of the Rents as they should become due. That the said Russell notwithstanding the Agreement aforesaid commenced an Action against the Petitioner for the Sum of £230 which was carried up by Demurrer to the Superior Court, where while he was with leave

Legislative  
Records of the  
Council, xxvi.,  
112.

House Jour-  
nal, p. 174.

of one of the Judges gone in search of his Witnesses, his Attorney being also absent, the case went against him, and he was Ordered to pay upwards of £230 and costs for which Execution is now out against him, since which M<sup>r</sup> Joy has declared that he was mistaken in the Evidence he gave, and M<sup>r</sup> Stutson was never called upon to give evidence at all. And praying that he may be empowered to review the said Action, and that execution may be stayed in the meantime

Read and

*Ordered* that the Petitioner serve the adverse party Jeremy Russell with a Copy of this Petition that he shew cause if any he hath on the first Friday of the next Session of this Court why the prayer there of should not be granted, and that Execution mentioned be stayed in the meantime. [*Passed November 7.*]

## CHAPTER 134.

RESOLVE THAT THE POLLS AND ESTATES OF THO<sup>s</sup> CARTER & OTHERS  
PAY TAXES ONLY IN THE FIRST PRECINCT IN LEOMINSTER.

Legislative  
Records of the  
Council, xxvi.,  
113.

House Jour-  
nal, pp. 163, 175,  
176. Province  
Laws, xvii.,  
151, chap. 352.

A PETITION of Thomas Carter, Thomas Gowing and David Wilder Setting forth That they are freeholders in the Town of Leominster & live upon Estates which they bought of persons belonging to the second parish, although their persons were not Voted off to the said second parish in the late Settlement made in said Town; That being thus circumstanced, they are assessed in both Parishes. And praying an Explanation of the Act or Order of the Court for incorporating the said second parish that so they may not be thus subject to do double duty.

Read and

*Resolved* that the prayer of the Petition be granted, and that the Polls and Estates of the Petitioners be exempted from paying Taxes to the second precinct in Leominster, and be held to pay Taxes only to the first precinct in said Town where they attend public Worship. [*Passed November 7.*]

## CHAPTER 135.

RESOLVE IMPOWERING THE STOCKBRIDGE INDIANS TO SELL A POR-  
TION OF THEIR LANDS TO PAY THEIR DEBTS.

Legislative  
Records of the  
Council, xxvi.,  
108, 113. Mass.  
Archives,  
xxxiii., 359.

Mass.  
Archives,  
xxxiii., 311–16,  
356–8. Legisla-  
tive Records  
of the Council,  
xxvi., 34, 63, 99,  
108, 111. House  
Journal, pp. 34,  
94, 150, 151, 158,  
180, 181.

A PETITION of Tim<sup>o</sup> Woodbridge Esq<sup>r</sup> Praying that a Petition of Jacob Cheeksonkun and other Indians of Stockbridge may be taken up and considered together with the report of a Committee of this Court thereupon, and that said Report may be accepted, or that some method may be devised to preserve said Indians from inevitable Ruin which will come upon them, if they are not enabled to discharge their Debts.

The Committee on the Petition of Timothy Woodbridge Esq<sup>r</sup> praying that the Petition of Jacob Cheeksonkun [Legislative Records of the Council, xxvi., 34] and others Stockbridge Indians may be revived and acted upon: Said Committee have attended that service, and after mature consideration are of opinion and accordingly

report that the prayer of the Petition of Jacob Cheeksonkun & others Stockbridge Indians be granted, and that they be and hereby are empowered to make Sale of so much of their Lands lying in the Town of Stockbridge aforesaid, as will be sufficient to discharge their just debts and to redeem their Lands they have subjected to pay the same; and that the Sale of said Lands be under the care & inspection of Tim<sup>o</sup> Woodbridge and John Ashley Esq<sup>rs</sup> who shall see that no injustice be done in the Sale of the same, and in applying the proceeds of the Sale to the purposes aforesaid.

And that Tim<sup>o</sup> Woodbridge and John Ashley Esq<sup>rs</sup> be also empowered to take care of the improved Lands of the said Indians, and that on Leasing the same, the term shall not exceed one year, or until the Further Order of this Court; and that the profits arising therefrom be properly applied for the use of the Owners thereof: and that the said Timothy Woodbridge and John Ashley be accountable to this Court for their doings therein.

Said Committee further Report that James Otis Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join be a Committee to bring in a Bill for the further securing the Lands belonging to the Stockbridge Indians at the next Session of the General Court.

Signed in the name of y<sup>e</sup> Com<sup>tee</sup>

THO<sup>s</sup> HUBBARD.

In Council

Read and Accepted And

*Resolved* That the foregoing Report pass into an Order of this Court, and the same is hereby made an Order of this Court accordingly.

In the House of Rep<sup>ues</sup>

Read and concurd and M<sup>r</sup> Gray and Col<sup>o</sup> Richmond are Joyned in the affair. [*Passed November 7.*]

## CHAPTER 136.

### ORDER ALLOWING £21. 14 TO CORD CORDIS.

CORD CORDIS having presented an Account for entertaining the Council and House of Representatives on the 25<sup>th</sup> day of October being the day of his Majesty's Accession, the following Order passed thereon viz<sup>t</sup>

Read and

*Ordered* that the above Account be allowed, and that there be granted to the Accomptant the Sum of Twenty one pounds, fourteen shillings out of the Province Treasury accordingly. [*Passed November 8.*]

Legislative  
Records of the  
Council, xxvi.,  
115.

House Jour-  
nal, p. 180.  
Province  
Laws, iv., 1050.

## CHAPTER 137.

### RESOLVE ALLOWING PROVINCE LAW BOOKS TO THE TOWN OF CHARLEMONT.

*Resolved* that y<sup>e</sup> Town of Charlemont be supplyd with y<sup>e</sup> Statutes and Temporary Laws of this Province at y<sup>e</sup> Province Charge. [*Passed November 8.*]

Legislative  
Records of the  
Council, xxvi.,  
116. Mass.  
Archives,  
lviii., 561<sup>a</sup>.

House Jour-  
nal, p. 185.

## CHAPTER 138.

RESOLVE DIRECTING THE PROVINCE TREASURER TO REMIT £200 EACH  
TO DENNYS DE BERDT AND RICHARD JACKSON, AGENTS.

Legislative  
Records of the  
Council, xxvi.,  
117. Mass.  
Archives,  
xxii., 467.

Legislative  
Records of the  
Council, xxv.,  
421. House  
Journal,  
pp. 167, 179, 180.

*Resolved* That the Treasurer of the Province be, and he hereby is directed to remit to Dennis Deberdt Esq, who the House have chosen their special Agent, the Sum of Two Hundred Pounds sterling, to enable him to solicit and pursue the several Petitions agreed upon by the late Congress of the British Colonies at New York: And Whereas the Vote of the House of Representatives, passed the 7<sup>th</sup> Day of March last and on the same Day concurred by the Hon<sup>l</sup> Board, directing the Secretary to write to Jasper Mauduit Esq to pay into the Hands of Richard Jackson Esq the Sum of Two Hundred Pounds ster<sup>l</sup>, in Case he should take the Agency upon him, to enable him to transact the Affairs of this Province, was not consented to by the Governour; therefore

*Resolved* that the Treasurer be and he hereby is also directed to remit to the said Richard Jackson Esq the Sum of Two Hundred Pounds sterling, in Lien of the like Sum voted as aforesaid, to enable him to solicit the Petitions abovementioned, and to carry on the other Affairs of the Province at the Court of Great Britain The said Gentlemen to be accountable for the respective Sums they may receive. [*Passed November 8.*]



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIFTEENTH DAY OF JANUARY, A.D. 1766.

## CHAPTER 139.

ORDER ALLOWING COPIES OF THE JOURNALS OF Y<sup>E</sup> HOUSE TO Y<sup>E</sup> COLLEGE.

*Ordered* that the Journals of the House be delivered to the Use of Harvard College at the publick Charge. [*Passed January 16.*]

Legislative  
Records of the  
Council, xxvi.,  
124. Mass.  
Archives,  
lviii., 552.  
House Jour-  
nal, p. 194.

## CHAPTER 140.

ORDER ALLOWING PROVINCE LAW BOOKS TO THE TOWN OF FITCHBURG.

*Ordered* that the Town of Fitchburgh be allowed a set of the Province Laws at the public Charge. [*Passed January 16.*]

Legislative  
Records of the  
Council, xxvi.,  
124.  
House Jour-  
nal, p. 193.

## CHAPTER 141.

ORDER IMPOWERING LYDIA BALL TO BRING FORWARD HER PETITION  
IN REGARD TO A HIGHWAY.

A PETITION of Lydia Ball of Worcester setting forth that the Court of General Sessions of the peace for the County of Worcester, did in May 1763 upon the Petition of John Green & Robert Crawford, order a Road to be laid out thro' the petitioners Land not only for the accomodation of the said Petitioners, but for the benefit also of the said Town, as is set forth in the return of the Committee appointed to lay out the same; altho' the Town had before upon application made to them by the same petitioners refused to accept of such way. That the Petitioners Estate is greatly damaged by such way, and She thereupon has applied to the Court of Sessions for an Indemnification; but her application having been made after the time limited by Law therefor of which limitation she was ignorant, She could obtain no Redress. And praying Relief.

Read &

*Ordered* that the Prayer of the Petition be So farr Granted; as That the Petitioner Be and hereby is authorized & Impowered, to Preffer her petition to the Court of General Sessions of the Peace

Legislative  
Records of the  
Council, xxvi.,  
125. Mass.  
Archives,  
cxli., 439.  
Mass.  
Archives,  
cxli., 438.  
House Jour-  
nal, pp. 196, 197.  
Province  
Laws, iv., 737,  
chap. 20.

next to be holden; within and for the County of Worcester on the Second Tuseday of may Next Ensueing and that the Justices of y<sup>e</sup> s<sup>d</sup> Court, be and hereby are Directed & Impowered; Either to Discontinue S<sup>d</sup> way or to Inquire Into the Damages by a Jury to be Summoned for that purpose by the Sherrieff or Coroner of Said County; and make up Judgment with respect to Damages, according to the verdict of that Jury; The Time by law for Such petition being Elapsed notwithstanding. [*Passed January 18.*]

## CHAPTER 142.

ORDER IMPOWERING THE CLERK OF THE SUPERIOR COURT TO TAKE BOND OF ISAAC DUPEE FOR REVIEWING AN ACTION, AND STAYING EXECUTION UPON THE JUDGMENT MEANTIME.

Legislative  
Records of the  
Council, xxvi.,  
126.

Legislative  
Records of the  
Council, xxvi.,  
125. House  
Journal,  
pp. 174, 203, 208.  
*Ante*, p. 69,  
chap. 133.

THE COMMITTEE appointed the 18<sup>th</sup> Instant on the petition of Isaac Dupee [*ante*, p. 69, chap. 133] the following Order passed thereon viz<sup>t</sup>

Read and Accepted: And

*Ordered* that the Clerk of the Superior Court of Judicature &c be and he hereby is authorised and impowered to take Bond of the petitioner Isaac Dupee for reviewing the Action in his said Petition mentioned, at the said Superior Court at their next term for the County of Suffolk; and the Justices of the said Court are hereby impowered then to hear and try the said Action, and make up Judgment and award Execution thereon as fully as they might have done in case the said Bond had been given at the time of making up Judgment on the action: And that Execution be stayed till final Judgment on the Review, provided the Review be brought at the next term. [*Passed January 21.*]

## CHAPTER 143.

RESOLVE ALLOWING £6 AND AN ANNUAL PENSION OF £6 TO ROBT MILLER.

Legislative  
Records of the  
Council, xxvi.,  
127. Mass.  
Archives,  
lxxx., 602.

House Jour-  
nal, pp. 205, 208.  
Province  
Laws, xv., 180,  
chap. 27.

A PETITION of Robert Miller of Philipstown Setting forth That in the year 1745 he lost his Arm near his Shoulder in the Service of this Province at Lonisbourgh: That [for] about eight years afterwards the General Court granted him a pension of Three pounds p<sup>o</sup> Annum, and that he is now far advanced in life And praying for some further allowance.

Read and

*Resolved* that the prayer of the Pet<sup>n</sup> be so far granted, as that the Sum of Six pounds be allowed and paid out of the publick Treasury to Jonathan Sayward Esq<sup>r</sup> for the Use of the Pet<sup>r</sup> in full for the time past. And that an Annual pension of six pounds be also allowed to the Pet<sup>r</sup> from this day till the further Order of this Court. [*Passed January 21.*]

## CHAPTER 144.

ORDER ALLOWING PROVINCE LAW BOOKS TO THE DISTRICT OF  
STOUGHTONHAM.Legislative  
Records of the  
Council, xxvi.,  
132.

*Ordered* that the District of Stoughtonham be allowed a set of the Province Laws at the public Charge. [*Passed January 22.*]

House Jour-  
nal, p. 209.

## CHAPTER 145.

RESOLVE IMPOWERING THE<sup>o</sup> HOYT TO SELL REAL ESTATE AND MAK-  
ING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Theodore Hoyt of Almsbury praying liberty to Sell a part of the Real Estate of his late Father Robert Hoyt deceased for the support of the Petitioners aged mother.

Legislative  
Records of the  
Council, xxvi.,  
133.

Read: And it appearing that all the Heirs of Aaron Hoyt living within this Province have been notified of the contents of this Petition, and have expressed their willingness to have the prayer thereof granted.

Legislative  
Records of the  
Council, xxvi.,  
109. House  
Journal,  
pp. 173, 175, 210.  
Province  
Laws, ii., 151,  
chap. 10.

*Resolved* That the prayer of the said Petition be granted: and that Theodore Hoyt be, and he hereby is authorised and empowered to make Sale of the premises, for the most they will fetch (or so much thereof as shall be thought needful) for the support of his said aged Mother, and to make and Execute a good Deed or Deeds thereof in Law, He observing the rules of Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup>, and giving sufficient caution to the Judge of the Probate of Wills &c for the County of Essex that the proceeds arising by such Sale shall be applied for the support of his said aged Mother; and the overplus (if any be) preserved and secured for the benefit of the Heirs. [*Passed January 22.*]

## CHAPTER 146.

ORDER ALLOWING £5.8 TO DENNIS TOWNEY.

A PETITION of Dennis Towney Setting forth That he enlisted in his Majesty's Service the 14<sup>th</sup> of March 1762 under Cap<sup>t</sup> Will<sup>m</sup> Barron in the pay of this Province, and was sent to Castle William in order to go to Halifax, but falling sick there, he did not proceed thither, but was afterwards ordered to join Cap<sup>t</sup> Turner's Company at Albany, where he was impressed by Col<sup>o</sup> Bradstreet to go to the Havanah, and there served till June 1763 for all which Services he hath received no pay. And praying an allowance

Legislative  
Records of the  
Council, xxvi.,  
135. Mass.  
Archives,  
lxxx., 600.Mass.  
Archives,  
lxxx., 600.  
House Jour-  
nal, pp. 173, 212.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of five pounds eight Shillings in full for the time He was in the Province Service. [*Passed January 23.*]

## CHAPTER 147.

RESOLVE IMPOWERING BENJ<sup>A</sup> JOHNSON, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
135.

House Jour-  
nal, pp. 166, 167,  
224. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Benj<sup>A</sup> Johnson of Lynn Admin<sup>r</sup> of the Estate of Richard Johnson late of said Lynn Cordwainer deceased Setting forth That the whole Estate of the said deceased both Real and personal falls short of the amount of his Debts the Sum of Twenty nine pounnds, and has been accordingly represented Insolvent. And praying that he may be impowered to make Sale of the deceaseds Real Estate for the payment of his Debts.

Read and

*Resolved*, That the prayer of the Petition be granted, and that the Petitioner be and he hereby is impowered to make Sale of all the Real Estate of the deceased within mentioned for the most the same will fetch, and to make & Execute a good deed or deeds thereof in the Law, He observing the directions of the Law for the Sale of Real Estates by Exec<sup>ts</sup> & Admin<sup>rs</sup>, and giving sufficient caution to the Judge of Probate for the County of Essex that the proceeds arising by such Sale shall be applied to the payment of the just debts of the said deceased, and the Overplus (if any be) secured for the benefit of the Heirs. [*Passed January 27.*<sup>1</sup>]

## CHAPTER 148.

RESOLVE GRANTING TO MARG<sup>T</sup> MOORE LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xxvi.,  
138. Mass.  
Archives, cxi.,  
548.

Mass.  
Archives, cxi.,  
547. Legisla-  
tive Records of  
the Council,  
xxvi., 111, 137.  
House Jour-  
nal, pp. 176, 219,  
220, 223.

A PETITION of Margaret Moore of Boston Widow Setting forth, That the House she lives in has been for many years past Licensed and improved as a public House, and that she hath obtained the approbation of the Selectmen of the said Town to carry on the same business therein. And praying that the Court of General Sessions of the peace next to be holden at Boston, may be impowered to grant her a License, the term for so doing being elapsed notwithstanding.

Read and

*Resolved* that this Pet<sup>a</sup> be revived and that the Justices of the Gen<sup>l</sup> Sessions of the peace for the County of Suffolk be impowered (if they see cause) to grant the Pet<sup>r</sup> a Licence at their present session. (She first obtaining the approbation of the select Men of Boston) the time for granting Licences being elapsed notwithstanding. [*Passed January 27.*]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 23.

## CHAPTER 149.

## ORDER ALLOWING ACCOUNT OF THE GUARDIANS OF THE PLYMOUTH COUNTY INDIANS.

AN ACCOUNT of the Guardians of the Indians in the County of Plymouth Signed Josiah Edson, Nath<sup>l</sup> Smith, Ju<sup>o</sup> Turner having been presented for allowance: the following Order passed thereon viz<sup>t</sup>.

Read and

*Ordered* that the within Acc<sup>t</sup> be allowed, and that the ballance due to the said Indians being one hundred and thirty one pounds Nineteen Shillings and one farthing the within named Guardians are still to be accountable for. [*Passed January 27.*]

Legislative  
Records of the  
Council, xxvi.,  
138. Mass.  
Archives,  
xxxiii., 365.

Mass.  
Archives,  
xxxiii., 364.  
House Jour-  
nal, p. 219.  
Province  
Laws, xvi., 241,  
chap. 76, note.

## CHAPTER 150.

ORDER IMPOWERING JOSIAH WHEELER, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Josiah Wheeler of Concord admin<sup>r</sup> of the Estate of Will<sup>m</sup> Burrige late of said Concord Husbandman dec<sup>d</sup> Setting forth That the deceaseds personal Estate is not sufficient to pay his just debts. And praying that he may be impowered to make Sale of two third parts of said deceaseds Real Estate, the same consisting of Orcharding, Mowing and Plowland, pasturage and Woodland, the whole containing about thirty nine Acres lying in Concord aforesaid; the produce to be applied so far as is needful for the discharge of the said deceaseds Debts; He to be accountable.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner be and hereby is impowered to make Sale of the said two thirds for the most they will Sell for, and to make and execute a good Deed or Deeds thereof in the Law; he observing the rules of Law for the Sale of Real Estates by Executors & admin<sup>rs</sup> and giving suitable caution to the Judge of Probate for the County of Middlesex that the proceeds arising by such Sale shall be applied for the payment of the deceaseds debts, and the Overplus, if any be, secured for the benefit of the Heirs of the said deceased. [*Passed January 28.*]

Legislative  
Records of the  
Council, xxvi.,  
139.

House Jour-  
nal, p. 223.  
Province  
Laws, li., 151,  
chap. 10.

## CHAPTER 151.

## RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF CAD. FORD FOR A WRIT OF REVIEW.

A PETITION of Cadwallader Ford of Wilmington Setting forth That at an Inferior Court held at Pownalboro' within and for the County of Lincoln in June 1764 he brought his Action of Ejectment against Joshua Farnham of Woolwich in said County demanding possession of Two hundred Acres of Land in said Woolwich value £200 in which action the Defendant recovered Judg-

Legislative  
Records of the  
Council, xxvi.,  
139.

House Jour-  
nal, pp. 220, 224.

ment for Costs, from which Judgment the Petitioner appealed to the Superior Court held at Falmouth which Action came to trial in June 1765, and was committed to the Jury on Saturday afternoon; the Court then being in hast to rise, and waiting only for the Verdict of the Jury on the said Action, which was brought in against the petitioner, for want of sufficient time, as some of the Jury have since declared, to examine the Case with attention. and praying for liberty to review the said action.

[Read and]

*Resolved* that the petitioner serve Joshua Farnham with a Copy of this Petition that he shew cause if any he has on the second Wednesday of the next sitting of the General Court why the prayer thereof should not be granted, and that Execution be stayed in the meantime. [*Passed January 28.*]

## CHAPTER 152.

### RESOLVE CONSTRUING AN ORDER IN REGARD TO PROCEEDINGS AT A TOWN MEETING IN BELLINGHAM.

Legislative  
Records of the  
Council, xxvi.,  
140.

THE FOLLOWING ORDER passed on the Memorial of the Assessors of the Town of Bellingham [in regard to choice of town officers] viz<sup>t</sup>

House Jour-  
nal, pp. 218, 219,  
225, 226. *Ante*,  
p. 28, chap. 46.

*Resolved* that the Order of the General Court on the 19<sup>th</sup> of June last confirming the proceedings of the Town of Bellingham at their Meeting on the 6<sup>th</sup> of March last, for the choice of Town officers, and empowering the Selectmen then chosen to call a Town Meeting of said Town for the choice of all such other Town Officers that were not chosen on the said sixth of March as Towns are required by Law to choose in the month of March annually, ought not to be construed and understood to empower the Town of Bellingham to choose an additional number of Selectmen and assessors to those chosen on the said sixth of March; but only of such other kind of Town Officers that were not then chosen, and that all the proceedings and doings of the said additional Selectmen & Assessors be, and are hereby declared illegal null and void: And that the Selectmen and assessors chosen by that Town on the said sixth of March be deemed and adjudged the only legal Selectmen and Assessors of that Town. [*Passed January 28.*]

## CHAPTER 153.

### ORDER IMPOWERING JOHN JOY, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
140.

A PETITION of John Joy of Boston Setting forth That he preferred a Petition to this Court in the last May Session, praying that he might be empowered as Admin<sup>r</sup> of the Estate of his Father John Joy deceased late of Sherburn, to make Sale of his Real Estate, for the payment of debts, the said deceaseds Estate being represented Insolvent. and praying that he may be empowered to Sell the same accordingly.

Legislative  
Records of the  
Council, xxvi.,  
116. House  
Journal,  
pp. 176, 234, 235.



Read and

Province  
Laws, II., 151,  
chap. 10.

*Ordered* that the petition herein referred to, be revived, and that the prayer thereof be granted and the petitioner be, and hereby is impowered to make Sale of the premises for the most they will fetch, and to make and execute a good and sufficient deed or deeds thereof in the Law; he observing the rules of Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds arising by such Sale shall be applied for the payment of the just debts of the deceased; and the overplus (if any be) secured for the benefit of the Heirs, reserving the income of one third part of said Overplus for the Widows use and benefit instead of Dower. [*Passed January 31.*<sup>1</sup>

## CHAPTER 154.

RESOLVE ALLOWING £3 YEARLY FOR FOUR YEARS TO DANIEL DRUCE.

A PETITION of Daniel Druce of Grafton Setting forth That in the year 1760 he was a Soldier in the pay of the Province at Crown point, and on his return home was taken ill of the Small pox, which left him with a Sore on one of his Leggs that hath been growing worse ever since, and that having expended what little he had, he cannot now subsist without help. And praying relief.

[Read and]

*Resolved* that there be allowed & paid out of y<sup>e</sup> Publick treasury to M<sup>r</sup> Ephraim Shearman of Grafton for y<sup>e</sup> use of Daniel Druce of said Grafton y<sup>e</sup> sum of three pounds yearly & every year during y<sup>e</sup> term of four years & that y<sup>e</sup> said Shearman be allowed to Receive y<sup>e</sup> first three pounds abovementioned In y<sup>e</sup> month of February next. in consideration of y<sup>e</sup> s<sup>d</sup> Druces lameness. [*Passed January 31.*

Legislative  
Records of the  
Council, xxvi.,  
145. Mass.  
Archives,  
lxxx., 591.  
Mass.  
Archives,  
lxxx., 590, 592.  
House Jour-  
nal, pp. 227, 231.

## CHAPTER 155.

RESOLVE REMITTING TWO THIRDS OF A JUDGMENT AGAINST ALEX<sup>s</sup> ROSS.

A PETITION of Alexander Ross Esq<sup>r</sup> of Falmouth Setting forth That he presented a petition to this Court, praying for the reversal of a Judgment obtained against him by M<sup>r</sup> Theophilus Bradbury Collector of Excise for the County of Cumberland (which Petition was considered and dismissed on the 29<sup>th</sup> Ins<sup>t</sup>) That he did not attend to the impropriety of the prayer of the said petition depending on his Lawyer who drew it to put it into due form. And praying that for the reasons mentioned in his said petition, the Government would remit the two thirds of the forfeiture accruing to them; he being ready to pay the one third which belongs to the said Collector.

Whereas Theophilus Bradbury Collector of Excise for the County of Cumberland did in the year 1765 obtain a Judgment of the Superior Court against Alexander Ross Esq<sup>r</sup> of said County on a Bond given by said Ross and one Cap<sup>t</sup> Tobin who received a permit to

Legislative  
Records of the  
Council, xxvi.,  
145.Legislative  
Records of the  
Council, xxvi.,  
112, 143. House  
Journal,  
pp. 168, 175, 230,  
232.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 28.

sell Rum, from said Bradbury Collector, which Bond was to secure the Excise: And it appearing that said Excise was paid.

*Resolved*, That two thirds of said One hundred pounds which is the part forfeited to the Province be taken out of said Judgment of Court whenever the Execution shall be taken out by said Collector against said Alexander Ross: And the Clerk of the Superior Court is hereby directed and Ordered to give out the Execution on said Judgment of Court for no more than one third of said Judgment, and the whole of the Cost; and that no Execution be ever taken out for the remaining part of said Judgment. [*Passed January 31.*]

## CHAPTER 156.

### RESOLVE IMPOWERING JON<sup>A</sup> KNIGHT, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
146.

House Jour-  
nal, p. 233.  
Province  
Laws, ii., 151,  
chap. 10; xii.,  
325, chap. 145.

A PETITION of Jonathan Knight Admin<sup>r</sup> of the Estate of Moses Bennet late of Harvard dec<sup>d</sup> left unadministred by Joanna Bennet late of Harvard deceased former Admin<sup>r</sup> of said Estate Setting forth That the said Moses on the 10<sup>th</sup> day of December 1761 purchased of Moses Putnam for the Sum of £33.6.8. Seventy five Acres of Land in Dorchester Canada now called Ashburnham and was part of Lot N<sup>o</sup> 10 and part of Lot N<sup>o</sup> 22, and obliged himself to fulfil the duty of Settlement enjoined by the General Court on N<sup>o</sup> 22, That the said duty is not performed, and the Land subject to forfeiture. That the Land tax on the same has been paid out of the deceaseds Estate, which is very small and scarce sufficient to pay his Debts. And praying leave to Sell the said Land.

[*Read and*]

*Resolved* That for the reasons in this Petition mentioned, the same be granted: and that the said Jonathan Knight the said Admin<sup>r</sup> be and he hereby is empowered to make Sale of the Real Estate within mentioned for the most the same will fetch, and to make & execute a good Deed or deeds thereof to the purchaser, he observing the directions of the Law relating to the Sale of Real Estates by Executors and Admin<sup>rs</sup> & giving sufficient caution the money arising by said Sale after all necessary charges are paid, be secured for the use of the Children of the said deceased. [*Passed January 31.*]

## CHAPTER 157.

### ORDER ALLOWING £3 TO W<sup>M</sup> LAZELL.

Legislative  
Records of the  
Council, xxvi.,  
149. Mass.  
Archives,  
lxxx., 579.

Mass.  
Archives,  
lxxx., 578.  
House Jour-  
nal, pp. 73, 234,  
235. Province  
Laws, xvi., 247,  
chap. 89.

A PETITION of William Lazell of Middleborough Setting forth That he was a Soldier in the pay of the Province in Cap<sup>t</sup> Cobb's Company of Col<sup>o</sup> Ruggles's Regiment in 1759. That when he returned he left his Gun at Albany according to Order, but that the price of his Gun was stopped out of his Wages, for which he sent his petition to this Court formerly, but as the Court declined doing private business at that Session, he has never had any Recompence. And praying Relief.

*Read and*

*Ordered* that the Sum of three pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Oliver of Middleborough for the use of the Pet<sup>r</sup> in full for the stoppage mentioned. [*Passed January 31.*]

## CHAPTER 158.

\* ORDER ALLOWING PROVINCE LAW BOOKS TO THE DISTRICT OF NORTH-BOROUGH.

*Ordered* that the District of Northborough be furnisht with a Sett of Province Laws at the publick expence. [*Passed January 31.*<sup>1</sup>]

Legislative  
Records of the  
Council, xxvi.,  
171. Mass.  
Archives,  
lviii., 552<sup>a</sup>.

House Jour-  
nal, p. 232.

## CHAPTER 159.

RESOLVE SETTING OFF DIVERS PERSONS AND THEIR ESTATES FROM THE FIRST PRECINCT IN SCARBOROUGH TO THE SECOND PRECINCT THEREOF.

THE COMMITTEE appointed the 23<sup>d</sup> Instant on the Petition of a number of the Inhabitants of the first parish in Scarborough, having made Report the following Order passed in consequence thereof.

Legislative  
Records of the  
Council, xxvi.,  
149.

[Read and]

*Resolved* that Timothy Prout Esq<sup>r</sup> Joseph Prout Moses Plummer, William Plummer, William Thompson Esq<sup>r</sup>, Joshua Small, Elisha Libbee, Richard Libbee, Benj<sup>a</sup> Blake, Tho<sup>a</sup> Larrabee, Nathaniel Libbee, John Guilford, Samuel March, Sam<sup>l</sup> Jones and Peter Libbee with their Estates lying in the first Parish in Scarborough be, and hereby are set off to the second parish in said Scarborough, there to do duty and receive priviledge in every respect until the further order of this Court, that of voting for the removal of the Meeting House, in said second parish, or building a new one there, only excepted, in which they shall have no Vote: Provided said second parish shall receive them. [*Passed February 1.*]

Legislative  
Records of the  
Council, xxvi.,  
14, 46, 96, 100,  
134, 145. House  
Journal, pp. 25,  
33, 81, 156, 162,  
165, 217, 231, 236,  
241. Province  
Laws, xvii.,  
619, chap. 252.

## CHAPTER 160.

RESOLVE IMPOWERING SARAH MORSE, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Morse of Berwick Admin<sup>x</sup> of the Estate of John Morse late of said Berwick Clerk deceased Intestate Setting forth That the said Intestates Estate consists of a few Books, some Household stuff and a Dwelling House partly finished and about two acres of Land; That there is not a sufficiency left to finish the House and support the Family of the deceased, who left four small Children; And praying that she may be impowered to make Sale of the said House and Land, and improve the money arising by such Sale at interest for the benefit of herself & Children.

Read and

Legislative  
Records of the  
Council, xxvi.,  
149.

House Jour-  
nal, p. 239.  
Province  
Laws, li., 151,  
chap. 10.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 12.

*Resolved* that the prayer of the Petitioner be granted: and the Petitioner in her capacity as Admin<sup>s</sup> be, and is hereby impowered to make Sale of the House and Land mentioned in said petition, and to Execute a good Deed or deeds of the same; She observing the directions of the Law respecting the Sale of Real Estates by Executors and Administrators and giving sufficient security to the Judge of Probate for the County of York, that the proceeds of said Sale shall be applied in the following manner viz<sup>1</sup> one third part thereof to be put out to interest for the benefit of the said Sarah the Petitioner, during her life in lieu of her right of Dower in the premises, and the remaining two thirds after the just debts of the deceased are paid, be applied towards the support of the Children. [*Passed February 1.*]

## CHAPTER 161.

ORDER ALLOWING £6 TO GREEN & RUSSELL, PRINTERS.

Legislative  
Records of the  
Council, xxvi.,  
150. Mass.  
Archives, i.,  
229.

A PETITION of Green & Russell printers, Praying an allowance for stitching in blue paper the Journals of the House of Representatives, being over and above their Agreement, as the same used to be delivered to the Members of the Court in loose Sheets.

Mass.  
Archives, i.,  
228. House  
Journal, pp. 30,  
238.

Read and

*Ordered* that the prayer of this Pet<sup>n</sup> be granted and that the Sum of Six pounds be allowed and paid the Pet<sup>rs</sup> out of the publick Treasury accordingly. [*Passed February 1.*]

## CHAPTER 162.

RESOLVE IMPOWERING EXP<sup>CE</sup> FAIRBANK, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
150.

House Jour-  
nal, pp. 237, 238.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Experience<sup>1</sup> Fairbanks Widow and Admin<sup>s</sup> of the Estate of Jonas Fairbank of Medway deceased and Guardian of seven of his Children Setting forth That the said deceased was in his life time seized of a small tract of Land consisting of nine Acres lying in said Medway and unimproved, which Land now descends to his Nine Children, all Minors, and is like to be of no advantage to them during their Minority: And praying for leave to Sell the same, the money arising by such Sale to be improved at interest for the benefit of the Heirs.

Read and

*Resolved* that the prayer of the Petition be granted; and the Petitioner Experience Fairbank in her Capacity be, and hereby is impowered to make Sale of the premises for the most they will Sell for; She observing the Rules of Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup>, and to make and Execute a good Deed or deeds thereof in the Law, She first giving security to the Judge of Probate for the County of Suffolk that the proceeds arising by such Sale shall be improved at interest for the benefit of the Heirs. [*Passed February 1.*]

<sup>1</sup> The House Journal, p. 237, reads, "Ephraim."

## CHAPTER 163.

## ORDER ALLOWING PROVINCE LAW BOOKS TO SUNDRY TOWNS.

*Ordered* that Becket Lanesborough Murry field Chesterfield Ashfield, Wilbraham Richmond Williamston Windham and Royalston be each of them furnish'd with a Sett of the Province Laws at the publick Expence. [*Passed February 1.*]

Legislative  
Records of the  
Council, xxvi.,  
151. Mass.  
Archives,  
lviii., 553.  
House Jour-  
nal, p. 239.

## CHAPTER 164.

## ORDER ALLOWING £60 AND A FURTHER SUM OF £16. 5. 4 TO ROBT BALL.

A PETITION of Robert Balls Praying an allowance for his Service as Keeper of the Light house for the year past ending the 19<sup>th</sup> day of November last, which compleats his 32<sup>d</sup> year and praying a reimbursment of the Sum of £16.5.4 advanced for 30½ Cord of Wood for the benefit of the Light.

Read and

*Ordered* that the Sum of Sixty pounds be granted out of the public Treasury to the Petitioner for his Service for one year ending the 19<sup>th</sup> of November last. Also the Sum of Sixteen pounds, five shillings and four pence for thirty Cord and four feet of Firewood. [*Passed February 1.*]

Legislative  
Records of the  
Council, xxvi.,  
151.  
House Jour-  
nal, pp. 213, 235.  
Province  
Laws, xi., 764,  
chap. 142.

## CHAPTER 165.

RESOLVE ALLOWING £7. 8. 6 TO COL<sup>O</sup> THO<sup>S</sup> DOTY.

A PETITION of Col<sup>O</sup> Thomas Doty Setting forth That in the year 1758 he had the Command of a Regiment in the pay of the Province, and was furnished with One thousand Blankets for his Men; but as they exceeded that number, he purchased of Cap<sup>t</sup> Abr: Jacob Lansing eleven Blankets to make up the deficiency. And praying that he may be reimbursed the amount.

Read and

*Resolved* That there be Paid out of the Publick Treasury to the Petitioner The Sum of Seven Pounds Eight Shillings and six pence In full for the Eleven Blankets Mentioned in the Petition. [*Passed February 1.*]

Legislative  
Records of the  
Council, xxvi.,  
151. Mass.  
Archives,  
lxxx., 601.  
House Jour-  
nal, pp. 235, 241.

## CHAPTER 166.

## RESOLVE IMPOWERING RHO. WOMSCOM, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Rhoda Womscom Indian woman and Widow of John Womscom deceased. Setting forth, That she is seized of Ten acres and 110 Rods of Land in Natick as Heir to her father John Babesuck deceased. That her husband before mentioned died in

Legislative  
Records of the  
Council, xxvi.,  
152. Mass.  
Archives,  
xxxiii., 367.

Mass.  
Archives,  
xxxiii., 368.  
House Jour-  
nal, p. 237.  
Province  
Laws, xvi., 241,  
chap. 76, note.

January last, leaving her his House and Land in Connecticut where she is much better accomodated than at Natick: that he died about four or five pounds in debt which she cannot discharge without making Sale of some part of her Real Estate: And praying that she may be impowered to make Sale of her said Land in Natick.

[Read and]

*Resolved* that the prayer thereof be Granted and that the Petitioner is hereby Impowered to Sell the Said Ten acres and one hundred and Ten rods of land therein mentioned and Execnte a Deed Thereof under the Care and Inspection of John Jones and Joseph Buckminster Esq<sup>r</sup> Guardians and the Said Guardians shall take Care that the Debts mentioned in Said Petition be first paid out of the proceeds of said sale and the overplus (if any be) shall be applied by said Guardians for the Benifit of the petitioner. [*Passed February 1.*]

## CHAPTER 167.

ORDER IMPOWERING JAMES HISCOCK, ATTORNEY AND GUARDIAN, TO SELL PART OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
152.

House Jour-  
nal, p. 238.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of James Hiscock Attorney of Eben<sup>r</sup> Dickman Mariner, now absent, and Guardian of John Dickman a Minor Brothers and joint Heirs to a small Real Estate in Boston setting forth That the said Estate needs considerable repairs, and is so situated as to be continually liable to damage from the Sea, and when in repair will not bring in so much as the Interest of the Money: That he apprehends it to be for the interest of the minor that the said Estate should be Sold, and he is fully impowered by the elder Brother to make Sale of his Interest therein. And praying that he may be enabled as Guardian to the Minor to make Sale of his share, also in the said Estate.

Read and

*Ordered* that the prayer of the Petition be granted; and the Petitioner be, and hereby is impowered to sell the within mentioned John Dickman's part of the premises, together with the other part thereof, and to make and Execute a good Deed thereof in Law, he observing the Rules of Law for the Sale of Real Estates by Executors & Administrators and giving due caution to the Judge of Probate for the County of Suffolk that the proceeds arising from such Sale shall be secured for the benefit of the said Minor. [*Passed February 1.*]

## CHAPTER 168.

RESOLVE IMPOWERING JOHN BAKER AND JOHN RANSHON SIGOURNEY, GUARDIANS, TO SELL MINORS INTEREST IN REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
153.

House Jour-  
nal, p. 244.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Baker of Boston Guardian to Peter Anthony and Andrew Sigourney Minors and Children of Anthony Sigourney deceased, and of John Ranshon Sigourney of Boston Guardian to Hannah, Charles and Andrew Sigourney Minors and Children of Andrew Sigourney jun<sup>r</sup> deceased Setting forth, That the said minors in right of their said Fathers deceased are interested in a



certain Brick House situate in Prince Street in the Northerly part of Boston: That the said House requires constant Repairs and is not capable of being improved to the advantage of the said Minors, and the other Heirs are about selling their parts thereof. And praying that they the said Guardians may be impowered to make Sale of the said Minors interest in the premises.

Read and

*Resolved* That the prayer of the Petition be granted: and that the Petitioners in their capacity as Guardian be, and hereby are fully authorised and impowered to, make Sale of the Minors within mentioned their Interest in the Real Estate mentioned in the Petition for the most the same will fetch, and make and execute a good Deed or deeds for the same, they observing the directions in the Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup> and giving sufficient security to the Judge of Probate for the County of Suffolk that the money arising by the Sale thereof be put out to Interest upon good security for the benefit of said Minors. [*Passed February 4.*]

## CHAPTER 169.

### RESOLVE IMPOWERING GEORGE HARPER, CONSTABLE, TO COLLECT TAXES IN DISTRICT OF OAKHAM.

A PETITION of Alexander Crawford and others Assessors of the District of Oakham Setting forth That after they had committed the Taxes for 1764 to the Constable chosen for that year to collect, they discovered a great mistake in the proportion of said Taxes among the Inhabitants, whereupon they took back the List to rectify the mistakes, but before they had compleated it, the time arrived for the choice of new Constables. The Petitioners however committed the said Taxes to the Constable chosen for 1764 to collect but as a doubt has arisen as to the legality of this proceeding, they pray the interposition of this Court in order to render the same valid and effectual.

Legislative  
Records of the  
Council, xxvi.,  
157.

House Jour-  
nal, p. 246.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that George Harper Constable of the District of Oakham for the year 1764 be and hereby is fully authorised and impowered to collect and Levy the Taxes on the Inhabitants & Estates of said District for said year, and committed to him to collect by Alexander Crawford, James Bell and William Banks assessors thereof in as full and ample a manner as he might or could have done in Law, had the Tax Bills been committed to him seasonably before his time by Law had been expired. [*Passed February 4.*]

## CHAPTER 170.

### ORDER ALLOWING PROVINCE LAW BOOKS TO THE TOWN OF TYRINGHAM.

Legislative  
Records of the  
Council, xxvi.,  
158.

*Ordered* that the Town of Tyingham be furnished with a sett of the Province Laws at the public Expence. [*Passed February 4.*]

House Jour-  
nal, p. 247.

## CHAPTER 171.

ORDER WITH STAY OF EXECUTION ON PETITION OF JOHN JEFFRIES, ESQ<sup>e</sup>, AND OTHERS, IN REGARD TO A REVIEW OF AN ACTION.Legislative  
Records of the  
Council, xxvi.,  
137, 159.Legislative  
Records of the  
Council, xxvi.,  
143. House  
Journal,  
pp. 220, 234, 249.

A PETITION of John Jeffries Esq<sup>r</sup> and others Proprietors of Rutland Setting forth That Stephen Minot of Boston brought his Action against them at the Inferior Court held in Boston in April last for Sixty one pounds, twelve shillings & eleven pence due as he saith, for Services done for them by his Father in Law Jonas Clark Esq<sup>r</sup> late of Boston deceased; which Action was carried by Demurrer up to the Superior Court where contrary to their expectation, while M<sup>r</sup> Otis their attorney was absent on affairs of the Government, the case was called and Judgment went against them by default for the said Sum of Sixty one pounds twelve shillings and eleven pence, and Costs, Whereupon they have brought their Action of Review to the next Superior Court to be holden at Boston. And praying that Execution may be stayed till final Judgment, upon the Petitioners giving Bail Bond to the Clerk of the Court aforesaid to respond the Judgment (if any be) that may be obtained against them

The Committee appointed the 31<sup>st</sup> of January on the petition of John Jeffries Esq<sup>r</sup> and others proprietors of Rutland praying that an Execution obtained against them by Stephen Minot may be stayed 'till final Judgment, having made Report the following Order passed thereon viz<sup>t</sup>

Read: And thereupon

*Ordered* that the Execution in the petition mentioned be stayed until Judgment on the Review of the Action be given; provided the Petitioners do within ten days give such Bond as by Law they ought [to]<sup>1</sup> have done in order to prevent the Executions issuing. [*Passed February 5.*]

## CHAPTER 172.

RESOLVE ALLOWING £800 TO THE JUSTICES.

Legislative  
Records of the  
Council, xxvi.,  
159. Mass.  
Archives,  
xliv., 592.House Jour-  
nal, p. 250.

*Resolved*, That the Sum of Eight hundred pounds be granted, and paid out of the publick Treasury to the honorable Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery for their Services for one Year, ending the first Day [of]<sup>2</sup> January. [*Passed February 5.*]

## CHAPTER 173.

RESOLVE ALLOWING £40 TO THE CHIEF JUSTICE.

Legislative  
Records of the  
Council, xxvi.,  
160. Mass.  
Archives,  
xliv., 593.House Jour-  
nal, p. 252.

*Resolved* that the Sum of forty pounds be granted and paid out of the publick Treasury to the Hon<sup>ble</sup> Thomas Hutchinson Esq<sup>r</sup> in consideration of his faithful discharge of the important trust reposed in him as Chief Justice and for his further encouragement therein. [*Passed February 5.*]

<sup>1</sup> Inserted from the House Journal, p. 249.<sup>2</sup> Inserted from Legislative Records of the Council, xxvi., 160.

## CHAPTER 174.

## RESOLVE ALLOWING £50 TO THE SECRETARY.

*Resolved* that the Sum of Fifty pounds be granted and allowed to be paid out of the public Treasury to the Hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province for his Services for one year ending the sixth day of Decem<sup>r</sup> last. [*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
160.

House Jour-  
nal, p. 250.

## CHAPTER 175.

## RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

*Resolved* that the Sum of Ninety pounds be granted and allowed to be paid out of the public Treasury to the Hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province in consideration of his extraordinary Services to the sixth day of December last. [*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
160.

House Jour-  
nal, p. 250.  
*Supra*, chap.  
174.

## CHAPTER 176.

## RESOLVE ALLOWING £267 TO THE TREASURER.

*Resolved*, That the Sum of Two hundred and sixty seven pounds be granted and allowed to be paid out of the publick Treasury to the honorable Harrison Gray, Esq<sup>r</sup> Treasurer and Receiver General of His Majesty's Revenues of this Province, for a Year's Service, ending the twenty third Day of December last. [*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
160. Mass.  
Archives, civ.,  
372.

House Jour-  
nal, p. 250.

## CHAPTER 177.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

In the House of Representatives.

*Resolved* that there be granted and allowed to be paid out of the public Treasury the Sum of four shillings per diem to the Hon<sup>ble</sup> Samuel White Esq<sup>r</sup> Speaker of the House for every day of his attendance in the General Court from the opening of the Session on the 29<sup>th</sup> day of May 1765 over and above his pay as Member of this House.

Legislative  
Records of the  
Council, xxvi.,  
160.

House Jour-  
nal, p. 251.

In Council, Read and Concurred. [*Passed February 5.*]

## CHAPTER 178.

## RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xxvi.,  
160.

House Jour-  
nal, p. 251.

*Resolved* that there be granted and allowed to be paid out of the publick Treasury the Sum of Ninety pounds to Rowland Cotton Esq<sup>r</sup> Clerk of the House of Representatives for his Service during the several Sessions for the current year. [*Passed February 5.*]

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## CHAPTER 179.

## RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative  
Records of the  
Council, xxvi.,  
161. Mass.  
Archives,  
lviii., 553<sup>d</sup>.

House Jour-  
nal, p. 250.

*Resolved*, That the Sum of two hundred pounds be granted and allowed to be paid out of the publick Treasury, to the Reverend Edward Holyoke, President of Harvard-College, over and above the Rents of Massachusetts-Hall, for one Year, ending the tenth Day of September next, to be paid Quarterly. [*Passed February 5.*]

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## CHAPTER 180.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xxvi.,  
161. Mass.  
Archives,  
lviii., 554<sup>d</sup>.

House Jour-  
nal, p. 251.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury, to John Winthrop, Esq<sup>r</sup> Hollisian-Professor of the Mathematicks and Natural Philosophy at Harvard College in Cambridge, the Sum of one hundred pounds as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, and for his further Encouragement therein. [*Passed February 5.*]

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## CHAPTER 181.

## RESOLVE ALLOWING £12 TO THE CHAPLAIN OF THE TWO HOUSES.

Legislative  
Records of the  
Council, xxvi.,  
161. Mass.  
Archives, xiv.,  
451.

House Jour-  
nal, p. 251.

*Resolved*, That there be allowed and paid out of the publick Treasury, the Sum of twelve pounds to the Reverend Andrew Eliot, Chaplain to the honorable Board, and the honorable House of Representatives the current Year. [*Passed February 5.*]

## CHAPTER 182.

RESOLVE ALLOWING £50 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury to the Reverend Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College in Cambridge, the Sum of fifty pounds as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him for half a year past ending at this time. [*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
161. Mass.  
Archives,  
lviii., 554.  
House Jour-  
nal, p. 251.

## CHAPTER 183.

RESOLVE ALLOWING £50 TO THE LIEUTENANT OF CASTLE WILLIAM.

*Resolved* that there be allowed and paid out of the public Treasury the Sum of Fifty pounds to John Phillips Esq<sup>r</sup> Lieutenant of his Majestys Garrison at Castle William in consideration of his faithful discharge of that trust. [*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
161.  
House Jour-  
nal, p. 251.

## CHAPTER 184.

RESOLVE ALLOWING £40 TO THE CHAPLAIN OF CASTLE WILLIAM.

*Resolved*, That there be allowed and paid out of the publick Treasury, the Sum of forty pounds to M<sup>r</sup> Christopher Bridge Marsh, Chaplain at his Majesty's Castle William, for one Year, in Consideration of his faithful Discharge of that Trust. [*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
161. Mass.  
Archives, xiv.,  
450.  
House Jour-  
nal, p. 252.

## CHAPTER 185.

ORDER IMPOWERING EB<sup>s</sup> AYER, AND OTHERS, TO BRING FORWARD A WRIT OF REVIEW.

THE COMMITTEE appointed the 31<sup>st</sup> of January on the petition of Ebenezer Ayer and others of Peppereborough [*ante*, p. 62, chap. 116] having made Report the following Order passed thereon viz<sup>t</sup>

Read and Accepted: And

*Ordered* that the prayer of said petition be so far granted as that the Petitioners be fully empowered to bring forward the Action in said petition mentioned &c at the next Superior Court of Judicature Court of assize &c to be held at York in and for said County of York on the first Tuesday of July next, as fully as if the appeal had been made, and the Appellants the present petitioners had entered into recognizance to prosecute the same according to Law from a Judgment of the Inferior Court of Common pleas held at Bideford on the second Tuesday of October last upon the Writ of Ejection in said petition mentioned: And that the Justices of said Superior

Legislative  
Records of the  
Council, xxvi.,  
163.

House Jour-  
nal, pp. 159, 256.  
*Ante*, p. 62,  
chap. 116.

Court of Judicature &c be impowered to hear and determine the same upon the merits of said Cause, and then only to all intents and purposes whatsoever as fully as if said Appeal had been claimed and Recognizance entered into at said Inferior Court in time and manner as the Law directs: And all proceedings had or precept issued in consequence of said Judgment be and they are hereby superseded and declared void. [*Passed February 7.*]

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## CHAPTER 186.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF THE PROPRIETORS OF PITTSFIELD IN REGARD TO A WRIT OF EJECTMENT.

Legislative  
Records of the  
Council, xxvi.,  
155, 165.

House Jour-  
nal, pp. 245, 246,  
261, 262. Prov-  
ince Laws, xli.,  
455, chap. 229;  
516, chap. 96.

A PETITION of the proprietors of the settling Lots of Boston Township N<sup>o</sup> 3 now called Pittsfield setting forth That the said Township was sold by the Town of Boston in 1737 to Jacob Wendell Esq<sup>r</sup> who admitted as partners in said purchase John Stoddard and Philip Livingston Esq<sup>rs</sup> That the said Philip Livingston was impowered by his partners to lay out 60 Lots of 100 Acres each to be disposed of to Settlers, that the said Livingston being disappointed of some Dutch Settlers, did at length give to Joseph Huston three of the best of said Lotts, and Sold to said Huston, Lee & Root forty more of them obliging them to do two thirds of the duty enjoined by the Government upon said Township. That the duty is performed on the said Lots respectively; but on some pretence or other to their great surprize the Heirs of John Stoddard Esq<sup>r</sup> deceased have brought a Writ of Ejectment against one of the Settlers who hath done more than ten times the duty required by the Court of any one Settler, which they apprehend to be a prelude of further difficulties. And praying the interposition of this Court for their Relief.

The Committee appointed the 4<sup>th</sup> Instant on the petition of the proprietors of the settling Lots in Pittsfield having made Report, the following Order passed thereon viz<sup>t</sup>

Read and accepted: And

*Ordered* that the petitioners serve the Admin<sup>r</sup> on the Estate of the Hon<sup>ble</sup> John Stoddard Esq<sup>r</sup> and the Exec<sup>rs</sup> of the Estate of Jacob Wendell Esq<sup>r</sup> deceased with Copies of this Petition that they shew cause if any they have on the second Wednesday of the next May Session of the General Court why the prayer thereof should not be granted; and that all further proceedings on the Writ of Ejectment mentioned in said petition be stayed in the meantime. [*Passed February 10.*]

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## CHAPTER 187.

### ORDER ACCEPTING REPORT ON THE PETITION OF JOSEPH BILLINGS, GUARDIAN OF PUNCAPAUG INDIANS.

Legislative  
Records of the  
Council, xxvi.,  
164. Mass.  
Archives,  
xxxiii., 362, 363.

A PETITION of Joseph Billings Guardian of the punkapog Indians, praying the further Order of this Court with regard to a certain Sum of money due from Samuel Niles Esq<sup>r</sup> to the said Indians.

The Committee On the petition Of Joseph Billings beg leave to



report. That they are unanimously of the Opinion that Samuel Niles Esq<sup>r</sup> has discharged himself by payments made to the said Joseph as Guardian to the Punkapog Indians Of the sum of four pounds Eighteen Shillings in part of the £7.11.10½ mentioned in said Josephs petition.

And that therefore these remain<sup>g</sup> due from the said Samuel Only the Sum of Two pounds thirteen shillings & ten pence half penny; upon the payment of which the said Niles, Ought to be fully discharged

And the said Joseph be held Accountable for the said Sum of four pounds Eighteen shillings, & for all Other sums w<sup>ch</sup> he has already received; & not Accounted for, or may hereafter receive, to the Use of the Said Indians. w<sup>ch</sup> is Submitted

By N SPARHAWK p order

Read and Accepted And

*Ordered* That Samuel Niles Esqr withinment<sup>d</sup> be directed to pay to M<sup>r</sup> Joseph Billings, Guard<sup>n</sup> of the Punkapog Indians the Sum of Two pounds thirteen shill<sup>s</sup> & ten pence half penny, and that he be thereupon discharged of all Sums which he the s<sup>d</sup> Samuel had receiv<sup>d</sup> on acco<sup>t</sup> of the s<sup>d</sup> Ind<sup>ns</sup>

And further

*Ordered* That the said Joseph Billings be held to account for the Sum of Four pounds eighteen shill<sup>s</sup> which he had rec<sup>d</sup> of the s<sup>d</sup> Samuel, and for all other sums rec<sup>d</sup> by him as Guardian aforesaid, and not yet accounted for, and for such other Sums which he may hereafter receive for the use of the s<sup>d</sup> Indians. [*Passed February 10.*<sup>2</sup>

## CHAPTER 188.

RESOLVE THAT THE PROVINCE TREASURER GIVE BOND WITH SURETIES AND APPOINTING A COMMITTEE TO EXAMINE THE SAME.

In the House of Representatives.

*Resolved* That no person who shall be chosen by this Court into the office of Treasurer & Receiver General for this Province for the present year shall be esteemed duly qualified to enter upon the Execution of that office until he shall first have an Oath Administred to him for his faithful performance of his said office, and shall give Bond with sufficient Sureties to the acceptance of a Committee appointed by this Court for that purpose in the Sum of Thirty thousand pounds lawful money to the three eldest Councillors in the Province for the time being, who are hereby appointed a Committee in behalf of the Province, and especially authorised for this purpose, which Bond shall be conditioned for such Treasurers truly and faithfully discharging the duty of his office according to Law, and for his rendring an account when and so often as he shall be required by the General Court of all such Sum or Sums of money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said office or to any other person that may be appointed by the General Court to receive the same, all such Sum or Sums of money as upon such Settlement of his said Accounts or otherwise shall be found due and payable from

Legislative  
Records of the  
Council, xxvi.,  
167.

House Jour-  
nal, p. 263.  
*Ante*, p. 3.  
*Infra*, chap.  
189.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 21.

him to this Province. Provided that the said Bond be put in suit within three years next after the date hereof, otherwise to be void, and of no effect; and that M<sup>r</sup> Hall and Col<sup>o</sup> Brown with such as the Hon<sup>ble</sup> Board shall join be a Committee to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council, Read and Concurred, and Thomas Flucker Esq<sup>r</sup> is joined in the affair. [*Passed February 11.*]

## CHAPTER 189.

### VOTE CHOOSING HARRISON GRAY PROVINCE TREASURER.

Legislative  
Records of the  
Council, xxvi.,  
168. Mass.  
Archives, civ.,  
373.

House Jour-  
nal, p. 264.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present Year, and first of a Treasurer and Receiver General for the Province, when Harrison Gray Esq<sup>r</sup> was chosen by a Major Vote of the Council and House of Representatives. [*Passed February 11.*]

## CHAPTER 190.

### VOTE CHOOSING THOMAS HUBBARD OFFICER FOR PURCHASING PROVISIONS FOR FORTS AND GARRISONS.

Legislative  
Records of the  
Council, xxvi.,  
168.

House Jour-  
nal, p. 264.

PURSUANT TO AGREEMENT of the two Houses, they proceeded to the choice of Civil officers for the present year, when Thomas Hubbard Esq<sup>r</sup> was chosen the officer for purchasing provisions &c for the several Forts and Garrisons by a major part of the Votes of the Council and House of Representatives. [*Passed February 11.*]

## CHAPTER 191.

### VOTE CHOOSING JAMES RUSSELL COMMISSIONER OF IMPOST.

Legislative  
Records of the  
Council, xxvi.,  
168. Mass.  
Archives,  
lxvi., 339.

House Jour-  
nal, p. 264.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil officers for the present year, when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a Major part of the Votes of the Council and House of Representatives. [*Passed February 11.*]

## CHAPTER 192.

### VOTE CHOOSING TRUCKMASTERS AT FORT POWNALL AND FORT HALIFAX.

Legislative  
Records of the  
Council, xxvi.,  
168. Mass.  
Archives, cxx.,  
576.

House Jour-  
nal, p. 266.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil officers for the present year, when Thomas Goldthwait Esq<sup>r</sup> was chosen Truckmaster for Fort Pownall and William Lithgow Esq<sup>r</sup> for Fort Halifax by a Major vote of the Council and House of Representatives. [*Passed February 11.*]

## CHAPTER 193.

### VOTE CHOOSING COLLECTORS OF EXCISE FOR ALL COUNTIES.

ACCORDING TO AGREEMENT the two Houses proceeded to the Choice of Civil officers for the present year, when the undermentioned persons were chosen Collectors of Excise on Spirituous Liquors &c for the several Counties as hereafter mentioned by a Major Vote of the Council and House of Representatives.

Legislative  
Records of the  
Council, xxvi.,  
168. Mass.  
Archives, cxx.,  
575.

House Jour-  
nal, pp. 264, 265.

County of	
Suffolk . . . . .	Mr Thomas Fletcher
Essex . . . . .	Mr Thomas Porter
Middlesex . . . . .	Mr John Remington
Hampshire . . . . .	Mr Lewis Bliss
Worcester . . . . .	Mr Levi Willard
Plymouth . . . . .	Cap <sup>t</sup> Nath <sup>l</sup> Little
Barnstable . . . . .	Mr Enoch Hallet
Bristol . . . . .	Mr Thomas Gilbert jun <sup>r</sup>
York . . . . .	Mr David Sewall
Dukes County . . . . .	Mr James Allen jun <sup>r</sup>
Nantucket . . . . .	Obed Hussey Esq <sup>r</sup>
Cumberland . . . . .	Mr Theophilus Bradbury
Lincoln . . . . .	Mr Thomas Moulton.
Berkshire . . . . .	Mr Israel Dickinson

[*Passed February 11.*

## CHAPTER 194.

### VOTES CHOOSING NOTARIES PUBLIC.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil officers for the present year when the under mentioned persons where<sup>1</sup> chosen Public Notaries by a major Vote of the Council and House of Representatives.

Legislative  
Records of the  
Council, xxvi.,  
169. Mass.  
Archives,  
xliv., 594.

House Jour-  
nal, pp. 266, 267.

Suffolk	
For the port Boston . . . . .	{ Ezekiel Goldthwait Esq <sup>r</sup>
	{ Mr Henry Alline jun <sup>r</sup>
Essex {	John Nutting Esq <sup>r</sup>
Salem . . . . .	Mr Samuel Sawyer
Ipswich . . . . .	John Chipman Esq <sup>r</sup>
Marblehead . . . . .	William Atkins Esq <sup>r</sup>
Newbury . . . . .	Daniel Witham Esq <sup>r</sup>
Glocester . . . . .	Edward Winslow Esq <sup>r</sup>
Plymouth {	Solomon Otis Esq <sup>r</sup>
Plymouth . . . . .	Thomas Smith Esq
Barnstable . . . . .	{ Thomas Gilbert Esq
Falmouth . . . . .	{ Elisha Tobey Esq <sup>r</sup>
Bristol . . . . .	John Norton Esq
Dukes County Edgartown . . . . .	Obed Hussey Esq <sup>r</sup>
Nantucket . . . . .	Daniel Moulton Esq <sup>r</sup>
York {	Charles Chauncy Esq <sup>r</sup>
York . . . . .	John Wheelwright Esq
Kittery . . . . .	Stephen Longfellow Esq <sup>r</sup>
Wells . . . . .	Mr Thomas Moulton
Cumberland Falmouth . . . . .	
Lincoln . . . . .	

[*Passed February 11.*

<sup>1</sup> *Sic.*

## CHAPTER 195.

## RESOLVE ADJOURNING COURTS IN BRISTOL COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
170.

House Jour-  
nal, p. 268.  
Province  
Laws, iv., 737,  
chap. 20; v.,  
66, note.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Taunton in the County of Bristol on the third Tuesday of February Instant; and it is apprehended that but little if any business will be done at said Court, and it is also probable the General Court may be then sitting, and many of the Members of the said General Court are also concerned in the said Courts to be held at Taunton in the County of Bristol aforesaid.

Wherefore

*Resolved* That the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be held at Taunton aforesaid on the said third Tuesday of February instant be, and hereby are adjourned to the first Tuesday of May next to be held at the Court House in the said Town of Taunton at ten of the Clock in the forenoon of said day: And all pleas, Writs, Actions Suits, Complaints, processes, precepts, Recognizances and other thing or things whatsoever returnable or having day or days in the said Courts, and which were there to have been proceeded on, shall stand valid and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law to all intents and purposes whatsoever as if such Court had been held and kept on the day by Law for holding the same, and no Adjournment there of had been made. [*Passed February 12.*]

## CHAPTER 196.

## ORDER WITH STAY OF PROCEEDINGS IMPOWERING THE JUSTICES OF GENERAL SESSIONS OF THE PEACE FOR ESSEX TO REVISE ASSESSMENT FOR TAXES IN BOXFORD.

Legislative  
Records of the  
Council, xxvi.,  
170.

Legislative  
Records of the  
Council, xxvi.,  
107, 108. House  
Journal, pp. 90,  
167, 175, 229 *bis*,  
270. *Ante*,  
p. 39, chap. 72.

THE COMMITTEE appointed the 5<sup>th</sup> of November last on the Petition of the Town of Boxford for relief under an assessment made for a highway laid out in said Town, made Report; and thereupon the following Order passed viz<sup>t</sup>

Read and accepted: And it appearing that the Town of Boxford were not properly notified of the time of laying out the Highway in their Petition mentioned, and were also deprived of the benefit of an ancient Record of the said Highway, which has been since found.

*Ordered* that the Justices of the General Sessions of the peace for the County of Essex be, and they hereby are empowered at their next Session to cause a revisal of the Assessment upon the said Town of Boxford at the expence of the said Town, and to proceed therein as if no such Assessment had been made: And all proceedings therein are hereby stayed in the mean time. [*Passed February 12.*]

## CHAPTER 197.

RESOLVE ALLOWING £100 TO W<sup>M</sup> BAKER, DOORKEEPER.

*Resolved* that there be allowed and paid out of the public Treasury the Sum of One hundred pounds to M<sup>r</sup> William Baker Doorkeeper to his Excellency the Governor and this Court for his Service for one year to be paid Quarterly. [*Passed February 12.*]

Legislative  
Records of the  
Council, xxvi.,  
171.

House Jour-  
nal, p. 270.

## CHAPTER 198.

RESOLVE ACCEPTING REPORT CONCERNING PROV: LANDS IN Y<sup>E</sup> COUNTY OF PLYMOUTH, AND APPOINTING A COMMITTEE TO SELL THE SAME.

THE COMMITTEE to inquire into the quality, quantity and circumstances of Lands in the County of Plymouth belonging to the Province, have attended that Service, beg leave to report; That they have personally repaired to the Town of Rochester and viewed and inquired into the circumstances of the following Lands viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
171. Mass.  
Archives,  
xli., 537.

First, William Griffin's Land mortgaged to the Province One hundred and twelve Acres now in possession of Simeon Burges, on which there is a dwelling House & considerable improvements.

Mass.  
Archives,  
xli., 533–536.  
House Jour-  
nal, p. 23  
(June, 1764);  
pp. 268, 269.  
Province  
Laws, ii., 61,  
chap. 18; xv.,  
156, chap. 364.

Secondly. One hundred and ten acres of Samuel Sprague's Homestead Farm, great part thereof is fenced in and improved for Mowing, tillage and pasture, and some Woodland Mortgaged to the Province.

Thirdly. One hundred and fifty acres of Lemuel Little Wood and Timber Land mortgaged to the Province.

Fourthly. One hundred and one acres of John Blackmore's Land lying in the South purchase of the Proprietors of Middleborough, chiefly pitch Pine Land, Mortgaged to the Province.

Fifthly. Ten acres of John White's Homestead, good Land, and forty eight acres in the South purchase mortgaged to the Province.

Sixthly. Twenty acres of Wood & timber Land of Joseph Prince, very good Land, the Record of the Bounds defaced and unless speedy care be taken about it the Province will be in danger of losing it.

Seventhly. Three Sixty acre Lots in the Majors purchase in Pembroke belonging to Isaac Barker, of which possession has been taken for the Province, great part of the money paid, remains due Twenty five pound six shillings and nine pence with the Interest thereof from the year 1739.

Eighthly. Nineteen acres of Meadow in Middleborough on the North side of Assonet River, good Land, mortgaged to the Province by Benj<sup>a</sup> Booth and Isaac Pearce for Forty pounds in the year 1734 Nothing paid. All the Lands abovementioned possession has been given to the Province. And we further Report that We find that sundry persons who mortgaged their Lands to the Province in the One hundred thousand pounds Loan, have paid their money borrowed and the Interest thereof, and we cannot find they have had any legal discharges, which we apprehend they ought to have.

Signed THO<sup>s</sup> CLAP, THO<sup>s</sup> FOSTER Committee

In the House of Rep<sup>ues</sup>

[Report read and]

*Resolved* that Tho<sup>s</sup> Clap & Tho<sup>s</sup> Foster Esq<sup>rs</sup> with Such as the Honourable Board Shall Join be a Com<sup>tee</sup> to make Sale of the Several parcels of Land belonging the province lying in the County of Plymouth for the Most the Same will fetch and to Execute Good Deed or Deeds thereof and in Case it be Necessary they are hereby fully Impowered In behalf of the province to Sue for & recover possession of any of said Lands & when they have recovered the Same to make Sale thereof as aforesaid And the Said Committee are further Impowered to give ample discharges to such person or persons who received of the 100,000 Loan where it appears they have fully paid the Sums they received with the Interest thereon

The s<sup>d</sup> Committee to make Return of their doings to this Court

In Council Read and Concurred and Gamaliel Bradford Esq<sup>r</sup> is joined in y<sup>e</sup> Affair. [*Passed February 12.*]

## CHAPTER 199.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
REV<sup>d</sup> MR TIMOTHY RUGGLES IN REGARD TO A JUDGMENT.

Legislative  
Records of the  
Council, xxvi.,  
172. Mass.  
Archives, xiv.,  
455.

Mass.  
Archives, xiv.,  
452. House  
Journal, p. 269.

A PETITION of Timothy Ruggles Minister of the first precinct in Rochester Setting forth That he settled there in the year 1710 upon a very small Salary, besides which he was to have the improvement of certain ministerial Lands; but that he is kept out of the possession of more than three quarter parts of the same by some of his parishioners who have got upon them a great part whereof was subdued and brought to at the petitioners Cost. That he hath for the sake of peace long acquiesced in a scanty support, as well as this unjust deprival of his right; but being now grown old and standing in greater need hereof, he laid the Case before the precinct, who at a Meeting on the 6<sup>th</sup> of December 1762 chose M<sup>r</sup> Edward Morse their Agent to prosecute such persons as had got into possession of the ministerial Lands; First taking power from the petitioner for that purpose: that he accordingly impowered the said Morse, who commenced two Actions of Ejectment one against Elisha Barrow and the other against Sam<sup>l</sup> Haskall jun<sup>r</sup> both of which failed by reason of error in the proceedings and Judgment passed against the Petitioner, and Executions for Costs amounting to about £23 or £24 which the Parish refuse to pay; and the said Morse has Sued them for his Expences in said Suit as their Agent; to which they have pleaded the illegality of the Meeting when he was appointed Agent; first because there was no Seal to the Warrant for calling said Meeting; secondly because the choice of such an Agent was not so particularly mentioned in the Warrant as it ought to have been; both which Exceptions may in Justice be obviated by the constant usage of the said precinct tho' in strictness of Law such practice cannot be justified. And praying that the proceedings of said Meeting may be established and that Execution against the petitioner may be stayed 'till the validity of said Meeting shall be determined.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Clerk of the first Parish in Rochester with a copy of this Petition that so they shew cause (if



any they have) on the second thirsd day of the next May Session, why the prayer thereof should not be granted. and the Execution within mentioned is stayed in the mean time.<sup>1</sup> [*Passed February 12.*]

## CHAPTER 200.

### RESOLVE ESTABLISHING THE ROADS OF THE TOWN OF UPTON AS LAID OUT BY THE SELECTMEN THEREOF.

A PETITION of Abiel Sadler and Others a Committee of the Town of Upton Setting forth That ever since the Settlement of said Town it hath been the practice, whenever there was occasion to transact anything relative to Highways, to insert in the Warrant for calling a Town Meeting this general Clause only viz<sup>t</sup> to accept or discontinue highways; whereby a doubt hath arisen which may throw them into great confusion, if such proceeding should be declared illegal. And praying that the Roads and Highways laid out and Recorded in said Town may be confirmed the defect mentioned, in such Warrants notwithstanding.

[Read and]

*Resolved* that the Prayer of this Petition be so far granted as that the Roads in the Town of Upton Laid out by the Selectmen and Accepted by the S<sup>d</sup> Town at their annual march meetings be and hereby are established to all Intents and Purposes the Defects mentioned in the Warrants for calling their Meetings notwithstanding and no Person that hath already applied to the Court of general Sessions of the Peace for the County of worcester Shall by Virtue of this Resolve be barred from the recovery of any Damages they have Sustained by the Laying out any S<sup>d</sup> Roads. [*Passed February 12.*]

Legislative  
Records of the  
Council, xxvi.,  
173. Mass.  
Archives,  
cxxi., 432.

House Jour-  
nal, pp. 248, 256,  
258.

## CHAPTER 201.

### RESOLVE ESTABLISHING THE ROADS IN THE TOWN OF GRAFTON AS LAID OUT BY THE SELECTMEN THEREOF.

A PETITION of John Sherman Agent for the Town of Grafton Setting forth That from the first settlement of said Town it hath been their practice when any thing was to be transacted at their annual March Meetings relative to Highways to insert in their Warrants for calling such Meeting, this general Clause only viz<sup>t</sup> to accept or discontinue Highways. Whereby a doubt hath arisen and they are liable to be thrown into great confusion if their proceedings in the matters aforesaid should be deemed illegal for want of a more particular notification. And praying that the Roads and Highways laid out and Recorded in said Town may be confirmed the defect aforementioned in the Warrants notwithstanding.

[Read and]

*Resolved* that the prayer of this petition be so far granted, as that the Roads in the Town of Grafton laid out by the Selectmen and accepted by the said Town at their annual March Meetings be, and hereby are established to all intents and purposes, the defects

Legislative  
Records of the  
Council, xxvi.,  
174.

House Jour-  
nal, pp. 19, 248,  
256, 258.

<sup>1</sup> At the hearing, June 27, 1766, House Journal, p. 73, this petition was dismissed.

mentioned in the Warrants for calling their Meetings notwithstanding. And no person that hath already applied to the Court of General Sessions of the peace for the County of Worcester shall by Virtue of this Resolve be barred from the Recovery of any damages they have sustained by the laying out any said Roads. [*Passed February 12.*]

## CHAPTER 202.

### RESOLVE ALLOWING £2. 16 TO JN<sup>o</sup> PARTEET.

Legislative  
Records of the  
Council, xxvi.,  
176.

House Jour-  
nal, pp. 267, 268.

*Resolved* That there be paid out of the public Treasury to Peter Mumford for the use of John Parteet the Sum of Two pounds sixteen shillings lawful money for the redemption of four of the new tenor bills emitted by this Government. [*Passed February 13.*]

## CHAPTER 203.

### ORDER IMPOWERING PH<sup>a</sup> MIRICK TO BRING FORWARD AN ACTION.

Legislative  
Records of the  
Council, xxvi.,  
176.

Legislative  
Records of the  
Council, xxvi.,  
42, 57, 108, 143.  
House Jour-  
nal, pp. 229, 274,  
275.

THE COMMITTEE appointed the 29<sup>th</sup> of January on the petition of Phineas Mirick for a new Trial of an Action brought against him by Daniel Wood and John Wood, having made Report, the following Order passed thereon viz'

Read and accepted: And

*Ordered* that the petitioner Phineas Mirick be, and he hereby is impowered to bring his Action in the Law at the next Inferior Court to be held for the County of Hampshire against the said Daniel and John Wood for the recovery of ten Acres and a half of Land not included in the original Grant. And that the Justices of the said Court be, and hereby are impowered to hear and determine the same so far as relates to the title of the said ten Acres and a half of Land, and enter up judgment and award execution thereon. And that the Judgment of Court in said petition mentioned and the proceedings thereon shall be no Bar thereto. [*Passed February 13.*]

## CHAPTER 204.

### RESOLVES ALLOWING SUNDRY AMOUNTS TO Y<sup>e</sup> COMMITTEE AT THE CONGRESS AT NEW YORK.

Legislative  
Records of the  
Council, xxvi.,  
178. Mass.  
Archives, iv.,  
202.

House Jour-  
nal, pp. 110, 157,  
163, 254, 277, 278.  
*Ante*, p. 33,  
chap. 59.

In the House of Representatives

*Resolv'd*, That in Consideration as well of y<sup>e</sup> Expences, & Services, Ordinary, & Extraordinary, as of y<sup>e</sup> Loss Sustain'd by James Otis Esq<sup>r</sup> in his Business, during his Attendance on the Congress held at New-York, That the s<sup>d</sup> Ja<sup>s</sup> Otis Esq<sup>r</sup> be, & he is hereby discharg'd, of the Sum of One hundred & fifty pounds, which he receiv'd out of y<sup>e</sup> Province Treasury being One third of y<sup>e</sup> Sum voted by this House to be paid to their Com<sup>e</sup> chosen to Attend s<sup>d</sup> Congress.

*Resolv'd* That in Consideration of the services & Expences of Oliuer Patridge Esq<sup>r</sup> in his Attendance on y<sup>e</sup> Congres at New York

That the s<sup>d</sup> Oliuer Patridge Esq<sup>r</sup> be, & he is hereby dischargd of y<sup>e</sup> Sum of One hundred & fifteen pounds Nine shill<sup>s</sup> & 9<sup>d</sup> out of the One hundred & fifty pounds he rec<sup>d</sup> out of y<sup>e</sup> Province Treasury for these purposes, and that he repay the remaining sum, being Thirty four pounds Ten Shill<sup>s</sup> & 3<sup>d</sup> into the Treasury

*Resolved* That in Consideration of y<sup>e</sup> services & Expences of Brig Rugles during his Attendance on the Congress at New-York, That the s<sup>d</sup> Brig Rugles, be, & he is hereby dischargd of y<sup>e</sup> Sum of One hundred & two pounds six Shill<sup>s</sup> & 8<sup>d</sup> being part of One hundred & fifty pounds he rec<sup>d</sup> out of y<sup>e</sup> Treasury for these purposes; And that he repay the Ball<sup>a</sup> remaing<sup>1</sup> in his hands being forty Seven pounds thirteen Shill<sup>s</sup> & 4<sup>d</sup> into the Treasury

In Council Read and Concurred. [*Passed February 13.*<sup>2</sup>

## CHAPTER 205.

### ORDER ADJOURNING COURTS IN BERKSHIRE COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas by Law are to be holden at Pittsfield in the County of Berkshire on the first Tuesday of March next: And whereas the business that will probably be to be transacted at said Court will not be very considerable nor the immediate dispatch of it any way equal to the extraordinary difficulty and expence of attending the said Court there at so difficult a time of travelling as is then like to be: And whereas the ill state of health of some of the Justices of the said Courts may probably prevent their attendance at that time. Therefore

*Ordered* that the said Courts of General Sessions of the peace and Inferior Court of Common pleas, which by Law are to be holden at said Pittsfield on the first Tuesday of March next be and hereby are adjourned to the last Tuesday of April next, then to be held at the Court House in Great Barrington in said County at ten of the Clock in the forenoon of said day: And all pleas, Writs, Actions, Suits, Complaints, processes, precepts, Recognizances and all other thing and things whatsoever returnable and having day or days in the said Courts, shall stand abide and continue unto the said Adjournment, to the time and place last aforesaid, and be held deemed and adjudged to be as good, effectual and available in Law to all intents and purposes whatsoever, as if such Courts had been kept and held on the day and at the place aforesaid by Law appointed for holding the same, and no adjournment thereof had been made. [*Passed February 14.*

Legislative Records of the Council, xxvi., 179.

House Journal, pp. 279, 280, Province Laws, iv., 737, chap. 20; v., 66. note.

## CHAPTER 206.

### ORDER ALLOWING £6 TO NATH<sup>l</sup> MORTON, JR.

A PETITION of Thomas Foster Esq<sup>r</sup> in behalf of the Town of Plymouth, Setting forth That one John Chambers, his Wife and Child of about 12 years of age came into said Town, and put up

Legislative Records of the Council, xxvi., 180.

<sup>1</sup> Sic.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is February 14.

House Journal, pp. 224, 278.

at the House of Nath<sup>l</sup> Morton where the same evening the woman fell in travel, and they not having wherewithal to help themselves the Selectmen took the care of them, as they were strangers, it appearing also that the man had a discharge from the Regular Service and was recommended as a wounded Man to the Hospital And praying that the said Town may be reimbursed the Sum of Six pounds expended on these strangers.

Read and

*Ordered* that the Sum of Six pounds be allowed and paid out of the public Treasury to Thomas Foster Esq<sup>r</sup> for the use of Nath<sup>l</sup> Morton jun<sup>r</sup> in full for his expence above mentioned. [*Passed February 14.*]

## CHAPTER 207.

ORDER IMPOWERING ROBT SAUNDERS AND MEHETABLE, HIS WIFE, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxvi., 180.

House Journal, pp. 276, 277, Province Laws, ii., 151, chap. 10.

A PETITION of Robert Saunders of Mendon & Mehettable his Wife late relict of Daniel Beale of said Mendon deceased, setting forth, That the said deceased left four Children between five & fifteen years of age; that there remains of the said deceaseds Estate a House and near 49 Acres of Land, out of which is to be paid a Legacy of about £26.13 lawful money; that the said Estate is unprofitable to the Heirs, And praying that as she is sole Administratrix of the deceaseds Estate, they may be impowered to sell the Estate above mentioned, they to be accountable.

Read and

*Ordered* that the prayer of the petition be granted: and the Petitioners viz<sup>t</sup> Robert and Mehettable Saunders be, and hereby are authorised & impowered to sell the said House and forty nine Acres of Land for the most it will sell for, and to make and Execute a good and sufficient deed or deeds thereof in Law, they observing the Rules of Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup>, and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale shall be secured and improved for the benefit of the Heirs to said Estate, and the payment of the Legacy. [*Passed February 14.*]

## CHAPTER 208.

RESOLVE THAT THE PROVINCE TAX LAID ON THE TOWN OF GORHAM-TOWN IN 1764 BE REMITTED AND ADDED TO CERTAIN TOWNS IN THE COUNTY OF CUMBERLAND.

Legislative Records of the Council, xxvi., 181.

House Journal, pp. 230, 281. *Ante*, p. 31, chap. 52.

A PETITION of Solomon Lombard of Gorham Setting forth That the Selectmen of said Town in May last presented a petition for remitting a Tax laid on them in the year 1764, the prayer of which petition was so far only granted as to suspend the levying said Tax 'till 1766. That the Inhabitants have suffered greatly by Fires which makes the Tax very burdensome; besides which the Township was not incorporated when the said Tax was laid, and by the Laws and Constitution of this Government no new places

can be taxed in that they are not represented in this Assembly. And praying that for these and other reasons the said Tax may be wholly remitted.

[Read and]

*Resolved* that the Province Tax laid on Gorham Town in the County of Cumberland in the year 1764 being the Sum of Forty nine pounds, four shillings & 4½<sup>d</sup> be taken off, and added to the next Province Tax on the Towns hereafter named within the same County in manner following viz<sup>t</sup> Falmouth £36.19.10½ North Yarmouth £6.9.4 Brunswick £5.15.2. [*Passed February 15.*]

## CHAPTER 209.

### ORDER GRANTING TO SAMUEL CALDWELL LICENCE TO SELL STRONG DRINK.

A PETITION of Samuel<sup>1</sup> Caldwell of Taunton setting forth That he hath obtained the approbation of the Selectmen of said Town as a proper person to be Licensed to sell Spirituous Liquors; but that the term for granting Licenses in the County of Bristol will not be 'till August next. And praying that the Court of General Sessions of the peace for the said County may be impowered at their next term to grant him a License for the purpose aforesaid.

[Read and]

*Ordered* that the Justices of the Court of General Sessions of the peace for the County of Bristol at their next Sessions be, and hereby are authorised and impowered to grant the petitioner a License for retailing spirituons Lignors (if they see cause) he obtaining the approbation of the Selectmen of the Town of Taunton for that purpose; the time for granting Licenses in said County being elapsed notwithstanding. [*Passed February 17.*]

Legislative  
Records of the  
Council, xxvi.,  
182.

House Jour-  
nal, p. 286.

## CHAPTER 210.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

AN ACCOUNT of Samuel Denny Esq<sup>r</sup> Treasurer for the County of Lincoln being presented for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* that the above Account (being right cast and well vouched) be allowed, and that the Treasurer be discharged of the Sum of One hundred & fifty nine pounds, ten shillings and two pence ¾ which he has paid by order of the Court of Sessions. And that there remains due from the County to the said Treasurer a balance of thirty five pounds, eighteen shillings and two pence ¾ which the County are further accountable to said Treasurer for. [*Passed February 17.*]

Legislative  
Records of the  
Council, xxvi.,  
183.

House Jour-  
nal, p. 286.

<sup>1</sup> The House Journal, p. 286, reads, "Robert."

## CHAPTER 211.

## ORDER ALLOWING £100 TO THE TOWN OF SCARBOROUGH.

Legislative  
Records of the  
Council, xxvi.,  
183. Mass.  
Archives,  
lxxxvii., 110.

Mass.  
Archives,  
lxxxvii., 109.  
House Jour-  
nal, pp. 224, 287.

A PETITION of a number of Inhabitants of the Town of Scarborough Setting forth That they suffered greatly in their Estates by a Fire which laid the same waste on the 5<sup>th</sup> day of July 1762 whereby their Circumstances are rendred very deplorable And praying Relief from the Government.

Read and

*Ordered* that the Sum of one hundred pounds be paid out of the publick Treasury into the hands of Samuel Jordan Solomon Lumbarb Esq<sup>rs</sup> and Cap<sup>t</sup> Reuben Fogg to be by them distributed to the Sufferers in the Town of Scarborough by the late fire in proportion to their several Losses. & Necessities. [*Passed February 18.*]

## CHAPTER 212.

RESOLVE ALLOWING £200 TO THE COMMISSARY GEN<sup>l</sup>.

Legislative  
Records of the  
Council, xxvi.,  
184. Mass.  
Archives,  
lxxx., 665.

House Jour-  
nal, p. 288.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury to the honorable Thomas Hubbard, Esq<sup>r</sup> Commissary-General, the Sum of Two hundred pounds for one Year's Service, ending the eleventh Day of January last. [*Passed February 18.*]

## CHAPTER 213.

RESOLVE ALLOWING £26. 4 TO JN<sup>o</sup> COTTON.

Legislative  
Records of the  
Council, xxvi.,  
184. Mass.  
Archives, vi.,  
323.<sup>a</sup>

Mass.  
Archives, vi.,  
323–326. House  
Journal,  
pp. 273, 282, 290.  
*Ante*, p. 98,  
chap. 204.

A MEMORIAL of John Cotton Setting forth That at the desire of the Gentlemen appointed to attend the Congress at New York, he waited on them in the capacity of a Clerk, the duties of which he endeavoured faithfully to discharge to the best of his capacity. That his Expences during fifty days absence amounted to £37.16.3 besides what he there received from the Commissioners of the other Governments. And praying an allowance for his Service, as well as a Reimbursement of his said Expences.

Read and

*Resolved* that the Sum of twenty Six pounds four Shillings be paid out of the publick Treasury to the within named John Cotton in full recompence for the proportion of this Province for his expences and services as Clerk to the Committee of Congress held at New York by the Committees of the several Provinces on the Continent. [*Passed February 18.*]



## CHAPTER 214.

## RESOLVE FOR THE TRANSFER OF APPROPRIATIONS.

*Resolved* that the Sum of One thousand and fifty pounds be transferred from the Appropriation of Forts and Garrisons to the Appropriation for the pay of the Court.

*Resolved* also that the Sum of Fifteen hundred pounds be transferred from the Appropriation of Debts where there is no Establishment to the Appropriation for Grants. [*Passed February 19.*]

Legislative  
Records of the  
Council, xxvi.,  
186.

House Journal,  
p. 291.  
Province  
Laws, iv., 812,  
chap. 10.

## CHAPTER 215.

## ORDER ALLOWING £15 TO DUDSON KILCUP.

A PETITION of Dudson Kilcup praying an allowance for his Service in receiving the names of Soldiers who had been in the several Expeditions to that of Louisbourg in 1745 inclusive, agreeable to the Order of the House, and ranging them in alphabetical Order.

Read and

*Ordered* that the Sum of fifteen pounds be allowed and paid out of the publick Treasury to the Pet<sup>r</sup> in full for his Services with in mentioned. [*Passed February 19.*]

Legislative  
Records of the  
Council, xxvi.,  
186. Mass.  
Archives,  
lxxx., 604.

Mass.  
Archives,  
lxxx., 603.  
House Journal,  
pp. 259, 260,  
278.

## CHAPTER 216.

ORDER IMPOWERING REFERREES TO HEAR CONDITIONALLY THE PETITION OF NATH<sup>L</sup> GOODWIN.

THE COMMITTEE appointed the 22<sup>d</sup> January upon the petition of Nath<sup>L</sup> Goodwin, [*ante*, p. 30, chap. 49] having made Report, the following Order passed thereon viz<sup>t</sup>

Read and accepted. And

*Ordered* that the prayer of the petition of Nath<sup>L</sup> Goodwin be so far granted, as that the Referrees mentioned in said Petition be empowered to hear the parties in the Cause. Provided they or either of them bring forward a hearing thereof, so that the Referrees may report thereon to the next Inferior Court of Common pleas to be held at Plymouth in the County of Plymouth in April next. And the Justices of the said Court are in such Case hereby empowered to make up Judgment for such Sum as shall then be awarded by said Referrees together with the Interest, and to award Execution accordingly. And it is further

*Ordered*, That in case the said parties nor either of them shall bring forward a hearing of the said Cause, then the Judgment already given therein, shall remain in full force and be executed accordingly. [*Passed February 19.*]

Legislative  
Records of the  
Council, xxvi.,  
186.

Legislative  
Records of the  
Council, xxvi.,  
99, 132. House  
Journal, pp. 73,  
211, 233, 294.  
*Ante*, p. 30,  
chap. 49.

## CHAPTER 217.

RESOLVE ALLOWING £100 TO ANDREW OLIVER, SECRETARY.

Legislative  
Records of the  
Council, xxvi.,  
187.

House Jour-  
nal, pp. 253, 281,  
292.

*Resolved* that the Sum of One hundred pounds be allowed and paid out of the public Treasury to the Hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> to enable him to pay such person or persons as he has employed to assist him the year past in his office ending the 6<sup>th</sup> of December last. [*Passed February 19.*]

## CHAPTER 218.

RESOLVE APPOINTING A COMMITTEE TO SELL YE MANUFACTORY HOUSE.

Legislative  
Records of the  
Council, xxvi.,  
187. Mass.  
Archives, lix.,  
509.

House Jour-  
nal, p. 293.

In the House of Representatives.

*Resolved* that M<sup>r</sup> Dexter and Cap<sup>t</sup> Sheaffe be appointed to join with a Committee of the Hon<sup>ble</sup> Board to make Sale of the House commonly called the Manufactory House, with the Land thereto belonging, and that the same be sold at public Auction to the highest Bidder That the Time of Sale be advertized in Three of the Boston News Papers, three Weeks successively That it be a Direction to the Committee not to set up the Premises at a less Sum than Fifteen Hundred Pounds and that the said Committee be impowered to give a good and sufficient Deed or Deeds of said House and Land to the Person or Persons who shall purchase the same, he or they first paying the Money therefor, or giving good Security for the Sum, to be paid in One Year, with lawful Interest And in case no Purchaser should appear said Committee to make some needful Repairs in the Roof of said House; and agree with the Persons who now occupy the same, or others who may incline to hire it, relative to the Rent. Said Committee to make Report next May Session.

In Council

Read and Concurred & Tho<sup>s</sup> Hubbard Esq<sup>r</sup> is joined in the Affair. [*Passed February 19.*]

## CHAPTER 219.

ORDER ALLOWING £183 TO HARRISON GRAY, TREASURER.

Legislative  
Records of the  
Council, xxvi.,  
188.

House Jour-  
nal, pp. 282, 294,  
295.

A MEMORIAL of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province praying an allowance for his extraordinary Service the year past, in borrowing £131,063 in paying £11,912.1.4. Interest due on Government Securities, in drawing Bills on the Agent to the amount of £48,000 Sterling, in paying the Bounty on 34,459 bushels of Wheat, and in entertaining the Guards set on the Treasury for twelve nights that they watched the same none of which Services or Expences are, as he apprehends necessarily connected with the duty of his Office.

*Ordered* that the Sum of One hundred and eighty three pounds

be granted and paid out of the public Treasury to the Petitioner in full for his extraordinary Services within mentioned. [*Passed February 20.*]

## CHAPTER 220.

ORDER IMPOWERING TOBIAS DAVIS AND WILLIAM MUGFORD TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Tobias Davis and Will<sup>m</sup> Mugford of Salem Setting forth That at the last Inferior Court for the County of Essex one Roger Peele commenced an Action against them on a bottomry Bond, and that they making default, Judgment went against them; but there hapned to be a mistake therein of £12.2.1 more than was equitably due to him; that said Roger hath had notice of the mistake in writing from his attorney, but refuses to rectify it. And praying that they may have a trial upon the merits of the Cause at the next Inferior Court for the said County of Essex.

Read, and no Answer being made thereto, Thereupon

*Ordered* that the prayer of the Petition be so far granted, as that the said Tobias and William be, and hereby are empowered to bring a Writ of Review of the Action aforesaid at the next Inferior Court of Common pleas to be holden at Ipswich in and for the County of Essex on the last Tuesday of March next: and that the Justices of said Court be, and hereby are empowered to hear the Cause upon said Writ of Review, enter up Judgment and award Execution thereon, to all intents and purposes whatsoever, as fully as they did or might have done upon the Writ brought by Roger Peele the original plaintiff at the Inferior Court of Common pleas holden at Newbury for the County aforesaid, the default made thereupon notwithstanding. [*Passed February 20.*]

Legislative  
Records of the  
Council, xxvi.,  
180, 188.

House Jour-  
nal, pp. 273, 278,  
279, 296.

## CHAPTER 221.

RESOLVE DESIRING THE GOVERNOR TO WRITE TO THE GOVERNOR OF CANADA IN REGARD TO FRENCH ACADIANS AND ALLOWING £20 FOR EXPENSE OF SENDING CERTAIN ONES THERE.

*Resolved* That His Excellency the Gov<sup>r</sup> be Desired to write to the Gov<sup>r</sup> of Canada to acquaint him of the Desire of the French Accadians in this Province to go thither and to know of him whither he is willing to Receive them as Settlers in that Government & that the Sum of Twenty pounds be allowed out of the publick Treasury to Enable the Gov<sup>r</sup> to send two of the S<sup>d</sup> French People for the Purpose afore Said. [*Passed February 20.*]

Legislative  
Records of the  
Council, xxvi.,  
189. Mass.  
Archives,  
xxiv., 561.

Legislative  
Records of the  
Council, xxvi.,  
88, 175, 188.  
House Jour-  
nal, p. 295.  
Province  
Laws, xvii.,  
616, chap. 247.

## CHAPTER 222.

## RESOLVE APPOINTING A COMMITTEE TO RUN A LINE BETWEEN THE PROVINCE OF MAINE AND THE PROVINCE OF NEW HAMPSHIRE.

Legislative  
Records of the  
Council, xxvi.,  
189. Mass.  
Archives, v.,  
252.

THE COMMITTEE appointed yesterday on the Petition of Capt<sup>y</sup> Henry Young Brown [Legislative Records of the Council, xxvi., 186], the following Order passed thereon viz<sup>t</sup>

In the House of Repres<sup>ves</sup>

Mass.  
Archives, v.,  
250. Legisla-  
tive Records of  
the Council,  
xxvi., 186.  
House Jour-  
nal, pp. 297, 298.  
*Ante*, p. 64,  
chap. 121.

*Resolved*, That Capt<sup>n</sup> Gowen & M<sup>r</sup> Sayward with Such as the Honorable Board Shall Join be a Committee on the Part of this Government to run out the Line between the Province of Main and the Province of New-Hampshire; Begining on Newichwannuck, or Salmon Fall River so called, where the Committee of this Province in the Year 1763 ended their Survey; and runing thence to the furthest Head thereof; and thence North two Degrees West, allowing seven Degrees and an half Variation, and no more; extending the said Line into the Country until one Hundred and twenty Miles are compleated from the Entrance of Piscataqua River; that the said Committee be at Berwick in the County of York on the Second Tues Day of March next; and proceed thence immediately to run the said Line; joining with any Committee that may be appointed by the Province of New-Hampshire, for the Purpose aforesaid; and if no such Committee should be appointed by the said Province of New-Hampshire to proceed notwithstanding; and that they make Return of their Doings to this Court as soon as may be And that his Excellency the Governor be desired to write once more to the Governor of New-Hampshire to appoint or to move to move<sup>1</sup> it to the Assembly of that Province to appoint a Committee to join with those appointed by this Province to run the Line aforesaid

In Council. Read & Concurred and John Bradbury Esqr is joined in the Affair. [*Passed February 20.*]

## CHAPTER 223.

## ORDER IMPOWERING THE GUARDIANS OF THE PUNCAPAUG OR STOUGHTON INDIANS TO CONFIRM BY DEED SEVENTEEN ACRES OF LAND TO ENOCH LYON.

Legislative  
Records of the  
Council, xxvi.,  
190. Mass.  
Archives,  
xvii., 501.

Mass.  
Archives,  
xvii., 499.  
House Jour-  
nal, pp. 296, 297.  
Province  
Laws, x., 518,  
chap. 244.

A PETITION of Enoch Lyon of Stoughton Setting forth That sundry persons held Lands at Punkapog an Indian plantation now Stoughton, by Leases from the Indian proprietors, and that the General Court in the year 1724 appointed a Committee to receive of the Lessees for the use of the Indian proprietors a valuable consideration for the said Lands, and that said Committee were thereupon empowered to convey the title of the said Indian proprietors to the English Tenants or Lessees. That the petitioners Father being then in possession of Seventeen Acres of Land originally Leased to one David Eames agreed to pay the Sum of Eight pounds to the use aforesaid, as a consideration for the purchase of said Seventeen Acres, and accordingly paid the said Sum, and died Seized of the said Land, which was Settled upon the Petitioner,

<sup>1</sup> *Sic.*

bounded now as follows viz<sup>t</sup> Westerly on Land of Deacon Stephen Badlam's Heirs, Northwardly on George Talbut's Land, Eastwardly on M<sup>r</sup> Whitley's Land of Boston, and Southwardly on the petitioners Land; but that none of the said English Lessees have as yet been confirmed in their Titles. And praying that his Case may be considered, and his title confirmed.

In Council read & concurred, &

*Ordered* that the Prayer of the Petition be so far granted as y<sup>t</sup> the Guardians of the Punkapoag or Stoughton Indians are hereby authorised & impowred by Deed to confirm s<sup>d</sup> seventeen acres of land to Him the s<sup>d</sup> Enoch & His Heirs

In the House of Rep<sup>tes</sup>

Read and concurd. [*Passed February 20.*]

## CHAPTER 224.

ORDER ALLOWING 30/ TO JOHN BROWN, JR.

*Ordered* that the Sum of Thirty shillings be paid out of the Treasury to Cap<sup>t</sup> John Brown for the use of his Son John Brown jun<sup>r</sup> for his Service in going Express to Brig<sup>dr</sup> Ruggles to direct his attendance in the House. [*Passed February 20.*]

Legislative  
Records of the  
Council, xxvi.,  
190.

House Jour-  
nal, pp. 227, 295,  
298.

## CHAPTER 225.

RESOLVE ALLOWING £1. 12. 5 TO SAM<sup>l</sup> SAYER.

*Resolved* That there be paid out of the Publick Treasury to Joseph Sayer Esq<sup>r</sup> for the use of Samuel Sayer The Sum of one pound Twelue Shillings and five pence Lawfull Money For the Redemption of a Number of New Tenor Bills Emittid by this Government. [*Passed February 20.*]

Legislative  
Records of the  
Council, xxvi.,  
190. Mass.  
Archives, civ.,  
374.

House Jour-  
nal, p. 299.

## CHAPTER 226.

RESOLVE ALLOWING £25 TO CAP<sup>t</sup> H. YOUNG BROWN.

CAP<sup>t</sup> HENRY YOUNG BROWN having laid before the Court an Account of the Expence he had been at to procure Advice and relief with respect to the Township granted him by this Government, now claimed by New Hampshire, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the Sum of Twenty five pounds be paid out of the public Treasury to the Accountant as a full recompence for his Expences abovementioned. [*Passed February 21.*]

Legislative  
Records of the  
Council, xxvi.,  
191.

House Jour-  
nal, pp. 292, 299.  
*Ante*, p. 106,  
chap. 222.

## CHAPTER 227.

ORDER MAKING PROVISION IN REGARD TO PROCEEDINGS ON THE  
BANKRUPT ACT.

Legislative  
Records of the  
Council, xxvi.,  
192.

Legislative  
Records of the  
Council, xxvi.,  
124, 147 *bis*.  
House Jour-  
nal, p. 301.  
Province  
Laws, iv., 777,  
chap. 35; 803,  
chap. 2; 883,  
chap. 5; 925,  
note.

WHEREAS a Bill has passed the two Houses, and now lies before his Excellency for consideration, intituled "An Act for repealing two Acts, one intituled An Act for preventing fraud in Debtors and for securing the Effects of Insolvent Debtors for the benefit of their Creditors: The other Act intituled An Act in addition to an Act for preventing fraud in Debtors, and for securing the Effects of Insolvent Debtors for the benefit of their Creditors: both made in the fifth year of his present Majesty's Reign."

*Ordered* that the Justices of the Superior Court of Judicature &c be, and hereby are directed to issue no Warrants for attaching the Effects of absconding or concealed Debtors, until after the end of the present Session of the General Court, saving to those who had before this time legally applied for s<sup>d</sup> Warrants, and had a right to the benefit of said Acts. [*Passed February 21.*]



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1766-67.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1766-67.

HIS EXCELLENCY FRANCIS BERNARD,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

SAMUEL DANFORTH	}	Esqrs.	THOMAS FLUCKER	}	Esqrs.
ISAAC ROYALL			NATHANIEL ROPES		
JOHN ERVING			TIMOTHY PAINE		
WILLIAM BRATTLE			ROYALL TYLER		
JAMES BOWDOIN			ANDREW BELCHER		
THOMAS HUBBARD			JOHN CHANDLER		
ISRAEL WILLIAMS			JOSEPH GERRISH		
HARRISON GRAY			JAMES PITTS		
JAMES RUSSELL			THOMAS SAUNDERS		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

GAMALIEL BRADFORD	}	Esqrs.	SAMUEL WHITE	}	Esqrs.
JAMES OTIS			JERATHMEEL BOWERS		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

JOHN HILL, NATHANIEL SPARHAWK & JOHN BRADBURY, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadehoc & Nova Scotia ;*

JEREMIAH POWELL, Esq.

<sup>1</sup> See Legislative Records of the Council, xxvi., 196-201.

<sup>2</sup> Joseph Gerrish and Thomas Saunders of Massachusetts Bay, James Otis and Jerathmeel Bowers of New Plymouth, Nathaniel Sparhawk of the Province of Maine and Samuel Dexter of the Province at large, who were elected by the House of Representatives, were rejected by the Governor.

*For the Province, at large:—*

BENJAMIN LINCOLN &amp; SAMUEL DEXTER, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 28, 1766 to March 20, 1767.*

MR. THOMAS CUSHING, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , <sup>1</sup> . . .	James Otis, Esq.,
	Thomas Cushing, Esq.,
	Mr. Samuel Adams,
	John Hancock, Esq.
<i>Roxbury</i> , . . .	Thomas Dudley, Esq.
<i>Dorchester</i> , . .	Mr. Samuel Howe.
<i>Milton</i> , . . .	Mr. Jazaniah Tucker.
<i>Braintree</i> , . .	Ebenezer Thayer, Esq.
<i>Weymouth</i> , . .	James Humphrey, Esq.
<i>Hingham</i> , . .	Mr. Joshua Hersey.
<i>Dedham</i> , . . .	Samuel Dexter, Esq.
<i>Medfield</i> , . .	Mr. Samuel Morse.
<i>Stoughton</i> , . .	Mr. Hezekiah Gay.
<i>Medway</i> , . . .	Capt. Jonathan Adams.
<i>Wrentham</i> , . .	Mr. Jabez Fisher.
<i>Needham</i> , . .	Mr. Amos Fuller.
<i>Chelsea</i> , . . .	Mr. Thomas Pratt.

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	William Brown, Esq.,
	Andrew Oliver, Esq.
<i>Ipswich</i> , . . .	Capt. Michael Farley.
<i>Newbury</i> , . .	Joseph Gerrish.
<i>Newburyport</i> , .	Benjamin Greenleaf, Esq.
<i>Marblehead</i> , .	Jacob Fowle, Esq.,
	William Bourne, Esq.
<i>Lynn</i> , . . .	Mr. Ebenezer Burrill.
<i>Andover</i> , . . .	Samuel Phillips, Esq.
<i>Beverly</i> , . . .	Capt. Henry Herrick.
<i>Rowley</i> , . . .	Humphrey Hopson, Esq.
<i>Salisbury</i> , . .	Caleb Cushing, Esq.
<i>Haverhill</i> , . .	Richard Saltonstall, Esq.
<i>Glocester</i> , . .	Thomas Saunders, Jr.,
	Esq.,
	Nathaniel Allen, Esq.
<i>Boxford</i> , . . .	Aaron Wood, Esq.
<i>Almsbury</i> , . .	Jonathan Bagley, Esq.
<i>Danvers</i> , . . .	Daniel Epes, Esq.
<i>Topsfield</i> , . .	Capt. Samuel Smith.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Andrew Bordman, Esq.
<i>Charlestown</i> , .	Capt. Edward Sheaffe.
<i>Woburn</i> , . . .	Josiah Johnson, Esq. <sup>1</sup>
<i>Reading</i> , . . .	Mr. John Temple.
<i>Newtown</i> , . . .	Capt. Abraham Fuller.
<i>Marlborough</i> , .	Mr. Samnel Witt.
<i>Watertown</i> , . .	Mr. Daniel Whitney.
<i>Groton</i> , . . .	} Col. James Prescott.
<i>Shirley &amp; Pepperrell</i> , .	
<i>BillERICA</i> , . . .	William Stickney, Esq.
<i>Framingham</i> , .	Joseph Buckminster, Esq.
<i>Lexington</i> , . .	William Reed, Esq.
<i>Weston</i> , . . .	Mr. Abraham Bigelow.
<i>Chelmsford</i> , . .	Sampson Stoddard, Esq.
<i>Malden</i> , . . .	Capt. Ebenezer Harn- den.
<i>Medford</i> , . . .	Stephen Hall, Esq.
<i>Sudbury</i> , . . .	John Noyes, Esq.
<i>Waltham</i> , . . .	Mr. Jonas Dix.
<i>Lincoln</i> , . . .	Mr. Samuel Farrar.
<i>Westford</i> , . . .	Capt. Jonas Prescott.
<i>Stow</i> , . . .	Henry Gardner, Esq.
<i>Sherburne</i> , . .	Mr. Jonathan Russell.
<i>Littleton</i> , . . .	Capt. Joseph Harwood.

## COUNTY OF HAMPSHIRE.

<i>Springfield &amp; Wilbraham</i> , .	} John Worthington, Esq.
<i>Northampton &amp; Southampton</i> , .	
<i>Hatfield</i> , . . .	} Joseph Hawley, Esq.
<i>Westfield</i> , . . .	
<i>Deerfield &amp; Greenfield</i> , .	} Elijah Williams, Esq.
<i>Brimfield</i> , . . .	
<i>Hudley</i> , . . .	Mr. Timothy Danielson.
<i>Sunderland</i> , . .	Mr. Enos Nash.
	Mr. Fellows Billing.

<sup>1</sup> This is followed in the House Journal, p. 4, by "Concord, Charles Prescott, Esq."







# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1766.

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## CHAPTER 1.

ORDER IMPOWERING THE JUSTICES OF THE SUPERIOR COURT FOR  
ESSEX TO AFFIRM A JUDGMENT.

A PETITION of Joseph Eaton of Lynn, Praying leave to enter a Complaint at the next Superior Court at Ipswich for affirming a Judgment obtained against Joseph Woodman  
Read and

Legislative  
Records of the  
Council, xxvi.,  
220.

*Ordered*, That the prayer of this Petition be granted, and that upon the Petitioners entering his Complaint at the Superior Court to be holden at Ipswich for the County of Essex on the third Tuesday of June current; the Justices of said Court be, and they are hereby Authorised to affirm the Judgment mentioned in said Petition with additional Costs, and to grant Execution thereon accordingly. [*Passed June 4.*]

Legislative  
Records of the  
Council, xxvi.,  
133. House  
Journal, pp. 39,  
40.

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## CHAPTER 2.

ORDER ALLOWING A COPY OF THE PROVINCE LAW BOOKS TO THE  
NEW TOWNS AND DISTRICTS.

*Ordered* that the Several New Towns & Districts in the province which are Incorporated which have not been furnished with a Set of the province Laws have the Same Allowed them at the publick expence. [*Passed June 6.*]

Legislative  
Records of the  
Council, xxvi.,  
223. Mass.  
Archives,  
lviii., 555.  
House Jour-  
nal, p. 50.

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## CHAPTER 3.

ORDER IMPOWERING THOMAS CARTER, THOMAS GOWING, AND DAVID  
WILDER TO PAY TAXES TO THE SECOND PARISH IN LEOMINSTER.

A PETITION of Jonathan White and others Inhabitants of the second parish in Leominster Setting forth That this Court have been pleased to set off a number of the Inhabitants of the said

Legislative  
Records of the  
Council, xxvi.,  
181, 223.

Legislative  
Records of the  
Council, xxvi.,  
212. House  
Journal, pp. 34,  
52. *Ante*,  
p. 70, chap.  
134.

second parish, and annex them to the first parish in said Town, without causing them to be notified, that so they might have shewn cause why the prayer of the petitioners should not have been granted. That they apprehend this was done in consequence of some misinformation contained in their Petition. And praying for Relief.

Read And

*Ordered* That Thomas Carter, Thomas Gowing and David Wilder with the Lands and Estates they possess and improve, which before they purchased paid to the said second parish, still continue to pay Taxes to s<sup>d</sup> second Parish, that they belong to said second parish together with the heads that live on the Estates aforesaid; and that all the Lands that were at the Incorporation of said second parish part thereof, do as truly belong to said second Parish now, tho' sold to persons living in the first parish, and they are hereby ordered to pay Taxes there as much as if they had not been sold but were still in the possession of those original Petitioners for said second Parish. [*Passed June 6.*]

## CHAPTER 4.

RESOLVE IMPOWERING LYDIA WARE, EXECUTRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
223. Mass.  
Archives, xix.,  
748.

Mass.  
Archives, xix.,  
747. House  
Journal, pp. 35,  
50, 51. Prov-  
ince Laws,  
ii., 151, chap. 10.

A PETITION of Lydia Ware, Widow, Executrix of the last Will of William Ware late of Dighton Physician dec<sup>d</sup> Setting forth That the said deceased's personal Estate being insufficient to pay his just Debts, She made application to the Superior Court for leave to sell of her Testators Real Estate to the value of £376, and that having obtained such leave she hath already sold fifty Acres of Land amounting to £236.15. That large Debts have since appeared, which can be discharged no otherwise than by the Sale of a further part of the Real Estate. That there still remains forty five Acres of Land with a Dwelling House thereon, and that to sell a part of the remainder only, would sink the value of what is left. And praying leave to sell the whole of what remains; She to be accountable.

[Read and]

*Resolved* that the Prayer of this Petition be Granted and that the Petitioner be, and hereby is empowered to make Sale of the Premises for the most they will fetch and to make and Execute a good Deed or Deeds thereof in the Law She observing the Directions of the Law for the Sale of Real Estates by Executors and administrators, and giving proper Caution to the Judge of Probates for the County of Bristol that the proceeds arising by Such Sale be applied for the payment of the Deceaseds Debts and the overplus (if any be) to be Secured & Improved for the Benefit of the Heir. [*Passed June 6.*]

## CHAPTER 5.

ORDER WITH STAY OF EXECUTION IMPOWERING CADWALLADER FORD  
TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Cadwallader Ford of Wilmington praying liberty to review an Action he had against Joshua Farnham of Woolwich,

Legislative  
Records of the  
Council, xxvi.,  
220, 224

Read and so far accepted as that the petitioner have liberty to bring forward his Writ of Review of the same Cause at the Superior Court of Judicature &c next to be holden at Falmouth in the County of Cumberland; and that the Judges of the said Court be, and they hereby are authorised and impowered to hear and try the said Cause, make up Judgment and award Execution thereon accordingly. And the Execution on the former Judgment is hereby stayed in the meantime. [*Passed June 6.*]

House Jour-  
nal, pp. 46, 56.  
*Ante*, p. 77,  
chap. 151.

## CHAPTER 6.

ORDER IMPOWERING JOHN ROWE, ADM<sup>r</sup>, TO SELL REAL ESTATE AND  
MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Rowe Esq<sup>r</sup> Admin<sup>r</sup> of the Estate of Isaac Thomas late of Hardwick deceased Setting forth That the said Isaac died Insolvent; and as the Superior Court will not sit in the County of Worcester 'till September next he cannot make Sale of the deceaseds Estate for the payment of Debts sooner, without the aid of this Court. And praying the aid thereof accordingly.

Legislative  
Records of the  
Council, xxvi.,  
224.

House Jour-  
nal, p. 56.  
Province  
Laws, li., 151,  
chap. 10.

Read and

*Ordered*, That the prayer of this Petition be granted, and that the Petitioner in his capacity be and hereby is impowered to make Sale of the whole of the Real Estate of the said Isaac Thomas deceased for the payment of his Debts, and to make and Execute a good Deed or deeds thereof in the Law to the purchaser or purchasers; He Observing the directions in the Law respecting the Sale of Real Estates by Executors & Admin<sup>rs</sup> and giving caution to the Judge of Probate for the County of Worcester to account for & apply the proceeds for the payment of said Debts accordingly. [*Passed June 6.*]

## CHAPTER 7.

RESOLVE IMPOWERING LYDIA NEGUS, ADM<sup>x</sup>, TO SELL HER INTEREST  
IN AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Lydia Negus of Dartmouth Admin<sup>r</sup> of the Estate of Jonathan Negus late of said Dartmouth dec<sup>d</sup> Setting forth That her said Husband's Estate being insolvent, She upon her Petition to the Superior Court obtained leave to make Sale of his Real Estate being only one half Acre of Land, her thirds therein excepted; And

Legislative  
Records of the  
Council, xxvi.,  
229.

House Jour-  
nal, pp. 33, 53.  
Province

Laws, ii., 151,  
chap. 10; xvii,  
583, chap. 164.

praying that she may be impowered to make Sale of her thirds also in the said Estate for the payment of the said deceaseds just debts.

[Read and]

*Resolved*, That the prayer of this Petition be granted; and that the Petitioner in her said Capacity be, and hereby is impowered to make Sale of her thirds as mentioned in this Petition, and to make and Execute a good deed in Law of the same; She observing the Rules and directions in the Law for the Sale of Real Estate by Exec<sup>rs</sup> and Admin<sup>rs</sup> and the proceeds arising by such Sale be applied for the payment of the deceaseds debts as mentioned in this Petition. [*Passed June 6.*]

## CHAPTER 8.

### RESOLVE CONFIRMING 500 ACRES OF LAND TO THE HEIRS OF JASHUR WYMAN.

Legislative  
Records of the  
Council, xxvi.,  
230.

Legislative  
Records of the  
Council, xxvi.,  
193. House  
Journal, pp. 51,  
52. Province  
Laws, xv., 99,  
chap. 232.

A PETITION of Jonathan White & Philip Goodridge attorneys to the Heirs of Jashur Wyman late of Townshend deceased preferred to the General Court in February last Setting forth That in the year 1754 the said Court made a Grant of 500 Acres of Land to the said Jashur, a plan whereof was to have been returned in twelve months; but that he dying the said Land was never laid out 'till now: And praying that the same may be confirmed agreeable to a Plan now exhibited. Whereupon the following Order then passed the two Houses viz<sup>t</sup>

*Resolved* that the prayer of this Petition be granted, and that the Plan of five hundred Acres of Land delineated and described as follows, beginning at the Southeast corner of Charlemont and running on Deerfield West Line S<sup>o</sup> 14<sup>o</sup> West One hundred and sixty two perch to a stake, then West 19<sup>o</sup> North five hundred forty five perch to a stake, then North east to Charlemont Line One hundred and eighty four perch, and then East 19<sup>o</sup> S<sup>o</sup> four hundred & fifty perch on Charlemont Line to where it first began: herewith presented for allowance to satisfy a Grant of five hundred Acres of Land made by this Court to Jashur Wyman late of Townshend in the County of Middlesex deceased AD 1754 be accepted and hereby is Confirmed unto the Heirs & legal Representatives of the said Jashur Wyman, their Heirs and Assigns forever. Provided that it doth not exceed the quantity of five hundred Acres, nor interfere with any former Grant.

The Confirmation of this Grant being not then compleated the following Order now passed the General Court viz<sup>t</sup>

*Resolved* that the Petition be revived, and the foregoing Resolve be confirmed. [*Passed June 6.*]

## CHAPTER 9.

RESOLVE IMPOWERING JOSEPH PORTER, ADM<sup>r</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Porter Admin<sup>r</sup> of the Estate of Sam<sup>l</sup> Rider late of middleborough deceased Setting forth That the said deceaseds personal Estate is insufficient to pay his just debts, which amount to £31.10.8 more than his personal Estate And praying that he may be impowered to sell so much of the said deceaseds Real Estate as will discharge the said debts, and contingent Charges.

[Read and]

*Resolved* That the prayer of this Petition be granted: And that the Petitioner be & hereby is impowered to make Sale of so much of the deceaseds Real Estate, where it can best be spared, as shall amount to the value of Thirty five pounds for the payment of his Debts, and the charges of the Sale, and to make and execute a good deed or deeds thereof in the Law; He Observing the directions of the Law for the Sale of Real Estates by Executors and Administrators and giving proper caution to the Judge of Probate for the County of Plymouth, that the proceeds arising by such Sale be applied to the purposes aforesaid, and the Overplus, if any there be, to be secured for the benefit of the Heirs. [*Passed June 6.*]

Legislative  
Records of the  
Council, xxvi.,  
230.

House Jour-  
nal, pp. 19, 33,  
54. Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 10.

RESOLVE ALLOWING THE ACCOUNT OF THE TREAS<sup>r</sup> OF WORCESTER  
COUNTY.

AN ACCOUNT of John Chandler Esq<sup>r</sup> Treasurer for the County of Worcester being laid before the Court for their allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Account, being right cast and well vouched be accepted; and that the Treasurer be discharged of the Sum of One hundred & ninety five pounds, fourteen shillings  $\frac{1}{2}$ <sup>d</sup> exclusive of the Sum Twenty two pounds, fourteen shillings and two pence set on the Town of Woodstock in the year 1765, which he has paid by order of the Court of Sessions: and that a balance of the Sum of Two hundred forty two pounds, one shilling, one penny  $\frac{3}{4}$  still remaining due to the County, he be further accountable for and also for the Tax set on the Town of Woodstock when received. [*Passed June 6.*]

Legislative  
Records of the  
Council, xxvi.,  
231.

House Jour-  
nal, pp. 14, 37,  
38.

## CHAPTER 11.

RESOLVE CONFIRMING A PLAN OF 1,080 ACRES OF LAND TO STORY  
DAWES AND PETER ROBERTS.

A PLAN of One thousand and eighty Acres of Land laid out in satisfaction of a Grant made by the Great and General Court to Mess<sup>rs</sup> Story Dawes and Peter Roberts Heirs of John White late

Legislative  
Records of the  
Council, xxvi.,  
231.

House Journal, pp. 49, 53.  
*Ante*, p. 46,  
 chap. 88.

of Boston deceased June 24<sup>th</sup> 1765 bounding East on Township N° 7 South on N° 4 partly, and partly on N° 5 Townships, West and North on unappropriated Lands having been presented to the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within plan of One thousand and eighty Acres of Land be accepted: and hereby is confirmed unto Story Dawes and Peter Roberts the Heirs of John White deceased, their Heirs and Assigns forever. Provided that it doth not exceed the said quantity of Acres, nor interfere with any former Grant. [*Passed June 6.*]

## CHAPTER 12.

### RESOLVE CONFIRMING A PLAN OF 393 ACRES OF LAND TO JOSEPH WELD AND OTHERS.

Legislative  
 Records of the  
 Council, xxvi.,  
 232.

House Journal, pp. 49, 53.  
*Ante*, p. 46,  
 chap. 88.

A PLAN of Three hundred and ninety three Acres of Land which was laid out in satisfaction of a Grant made by the Great and General Court to M<sup>r</sup> Joseph Weld and others Heirs of John White Esq<sup>r</sup> late of Boston deceased June 24<sup>th</sup> 1765 bounding South on the North Line of N° 4 Township, East on a Grant made to Mess<sup>rs</sup> Story Dawes and Peter Roberts, North & West on unappropriated Lands having been presented to the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* the within plan of Three hundred and ninety three Acres of Land be accepted, and hereby is confirmed unto Joseph Weld and Others the Heirs of John White Esq<sup>r</sup> deceased, their Heirs and Assigns forever. Provided that it doth not exceed the said quantity of Acres, nor interfere with any former Grant. [*Passed June 6.*]

## CHAPTER 13.

### ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF WORCESTER TO SET OFF THE INCOME OF ONE THIRD OF THE ESTATE OF THE LATE DANIEL BEAL TO HIS WIDOW.

Legislative  
 Records of the  
 Council, xxvi.,  
 232.

House Journal, pp. 47, 48,  
 54. *Ante*,  
 p. 100, chap.  
 207.

A PETITION of Robert Saunders of Mendon & Mehitabel his Wife, late Relict Widow of Daniel Beale of said Mendon deceased, and sole Admin<sup>r</sup> of his Estate Setting forth That on the 15<sup>th</sup> of Jan<sup>y</sup> last they preferred a Petition to the General Court praying liberty to sell the said deceaseds Real Estate for the reasons therein mentioned, who thereupon impowered them to sell the House and forty nine Acres of Land mentioned in said petition; but did not impower the Judge of Probate to set off the Income of one third part of said Estate for the Widows Use during her natural life Therefore praying the said Judge may be now impowered to set off to her, her said thirds of said Estate, She giving proper caution for securing the Heirs of the said deceased.

Read and

*Ordered* that the prayer of the Petition be granted; and the Judge of Probate for the County of Worcester is accordingly impowered and ordered to set off the Income of one third part of the proceeds of the Estate of the within named Daniel Beal late of Mendon



deceased, when sold for the most it will sell for, to the late Widow of the s<sup>d</sup> Daniel Beal during her natural life, the Petitioner giving sufficient caution to the Judge of Probate for the County of Worcester to secure to the Heirs of the said Daniel Beal the said thirds at the decease of the said Mehitabel. [*Passed June 6.*]

## CHAPTER 14.

### RESOLVE CONFIRMING A PLAN OF 5,500 ACRES OF EQUIVALENT LAND TO AARON WILLARD AND OTHERS.

A PLAN of Five thousand and five hundred Acres of Land situate in the County of Berkshire, bounding North on East Hoosuck partly, and partly on unappropriated Lands, West on the foot of Hoosuck Mountain, South on the North Line of Lanesborough partly, and partly on Number four Township, and East on unappropriated Lands, being a Grant made by the Great & General Court at their Session in Boston June 22<sup>d</sup> 1765 to Aaron Willard Esq<sup>r</sup> and his Associates proprietors of Township N<sup>o</sup> three being an equivalent for a deficiency in said Town, Surveyed June 1765 and planned by a Scale of two hundred & forty perch in an inch and includes eleven hundred and seventy six acres, a Grant some time since made to the Town of Hatfield by Nath<sup>l</sup> Dwight Surveyor having been presented to the Court for acceptance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Plan of five thousand and five hundred Acres of Land be accepted and hereby is confirmed unto Aaron Willard Esq<sup>r</sup> and his Associates their Heirs and Assigns forever. Provided that it doth not exceed the said quantity of Acres nor interfere with any former Grant they performing the Settlement originally enjoined by the Court upon the Township Number three within mentioned. [*Passed June 9.*]

Legislative  
Records of the  
Council, xxvi.,  
239.

House Jour-  
nal, pp. 52, 60.  
Province  
Laws, xvii.,  
107, chap. 251;  
*Ante*, p. 38,  
chap. 71

## CHAPTER 15.

### RESOLVE IMPOWERING HANNAH POMROY, ADM<sup>x</sup>, TO EXECUTE A DEED.

A PETITION of Hannah Pomroy Admin<sup>x</sup> of the Estate of Cap<sup>t</sup> John Pomroy late of Northampton deceased Setting forth That the said John did in the year 1753 sell to Ebenezer Hunt a certain Tract or parcel of Woodland lying in that division of Lands in said Town called the little Division, and received of the said Ebenezer a consideration therefor, agreeable to contract, but dyed without giving any Deed or conveyance of said Land, and the said Ebenezer is yet without any title thereto. And praying that she may be empowered to give to him a good and effectual deed and conveyance of the same Land.

[Read and]

*Resolved* That the prayer of this Petition be granted. And that the Petitioner be, and hereby is authorised and empowered in her said capacity to make and execute a deed of Bargain and Sale to the said Ebenezer Hunt of the said Premises, to have and to hold

Legislative  
Records of the  
Council, xxvi.,  
239.

House Jour-  
nal, pp. 18, 36,  
37.

the same to him in Fee simple. And that such deed when executed, shall be as good & effectual to all intents and purposes to vest the whole Estate of the said Premises in him the said Ebenezer, as if the said deceased had made and executed such Deed of the same premises in his life time. [*Passed June 9.*]

## CHAPTER 16.

### RESOLVE GRANTING 500 ACRES OF EQUIVALENT LAND TO EDW<sup>D</sup> WOODMAN.

Legislative  
Records of the  
Council, xxvi.,  
240.

Legislative  
Records of the  
Council, xxvi.,  
132. House  
Journal, pp. 34,  
57.

A PETITION of Edward Woodman of Durham in New Hampshire praying for an Equivalent on account of a Grant made to his Great Grandfather Edward Woodman in 1661 which was laid out at a place now called Londonderry, and falling within the Province of New Hampshire,

[Read and]

*Resolved* that the prayer of the said Petitioner be so far granted; and that there be and is hereby granted unto the Petitioner his Heirs and Assigns forever, Five hundred acres of the unappropriated Lands of this Province lying in the County of York to be taken up in one body, in full consideration for the loss he hath sustained as set forth in his Petition: and that he be allowed twelve months from the date hereof to return a plan thereof to this Court for confirmation, to be taken by a Surveyor & Chain men on Oath. [*Passed June 9.*]

## CHAPTER 17.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BERKSHIRE COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
241.

House Jour-  
nal, pp. 14, 19.

AN ACCOUNT of Mark Hopkins Treasurer for the County of Berkshire being offered to the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* that the foregoing Account, being right cast and well vouched, be allowed, and that the County be further accountable to the Treasurer for the Sum of Ten pounds, nine shillings and four pence  $\frac{3}{4}$  which he has paid out more than he has received. [*Passed June 10.*]

## CHAPTER 18.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ANDREW BELCHER, ESQ., IN REGARD TO A JUDGMENT.

Legislative  
Records of the  
Council, xxvi.,  
242.

House Jour-  
nal, p. 70.

A PETITION of Andrew Belcher Esq<sup>r</sup> Setting forth That he had an Action of Trespass depending at the last Superior Court held at Plymouth against Enoch Hunt of Weymouth; but as the trials upon Civil Actions had been for some time suspended on account of the Stamp Act, he did not expect the case would have been called; but the Court proceeding suddenly on the business he had no time to summon his Witnesses, by reason whereof the said

Hunt recovered Costs: And praying that Execution may be stayed, and that he may have a hearing at the next Superior Court at Plymouth.

Read and

*Ordered* that the Petitioner notify the adverse party Enoch Hunt with a Copy of this Petition that he shew cause (if any he hath) on the second Wednesday of the next Session of this Court, why the prayer thereof should not be granted, and that Execution be stayed in the mean time. [*Passed June 11.*]

## CHAPTER 19.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

AN ACCOUNT presented by Joseph Appleton Esq<sup>r</sup> Executor of John Choate Esq<sup>r</sup> dec<sup>d</sup> late Treasurer of the County of Essex for the allowance of this Court, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
244.

*Resolved* That the within Account, being right cast and well vouched, be allowed, and that the balance due to the Estate of the late Treasurer the Hon<sup>ble</sup> John Choate Esq<sup>r</sup> deceased being Fifty two pounds, one shilling and two pence  $\frac{1}{2}$ <sup>d</sup> the County be accountable for to the Executor of his last Will and Testament, and that the present Treasurer M<sup>r</sup> Michael Farley be accountable to the said County for the Sum of One hundred and four pounds, eighteen shillings and five pence that appears to be due for outstanding Taxes when he shall receive the same. [*Passed June 11.*]

House Jour-  
nal, pp. 14, 55.  
*Ante*, p. 10,  
chap. 8.

## CHAPTER 20.

### RESOLVE CONFIRMING THE TOWNSHIP OF MURRAYFIELD TO TIMOTHY PAINE, JOHN CHANDLER, JOHN MURRAY, ABIJAH WILLARD AND JAMES OTIS.

A PETITION of Timothy Paine, John Chandler, John Murray and Abijah Willard Esq<sup>rs</sup> Setting forth That in June 1762 they purchased a Tract of Land of the Government for a Township since which they admitted James Otis Esq<sup>r</sup> as a Partner to one fifth of three fourths; that the same is now incorporated into a Town by the name of Murrayfield, and that they have nearly complied with the Conditions of Settlement; but that they have no absolute Grant from the Government, which prevents them giving a title to purchasers who appear to buy lots of Land in said Township And praying that the said Town may be confirmed to the said Timothy Paine, John Chandler, John Murray & Abijah Willard viz<sup>t</sup> to the s<sup>d</sup> Tim<sup>o</sup> Paine, John Chandler & John Murray each one fifth, to the said Abijah Willard one fourth and to the said James Otis one fifth of three fourths.

Legislative  
Records of the  
Council, xxvi.,  
244.

House Jour-  
nal, pp. 68, 70,  
71. Province  
Laws, iv., 837,  
chap. 23; 869,  
note; xvii., 243,  
chap. 50.

[Read and]

*Resolved* that the Township mentioned in the within Petition be granted and confirmed to the Petitioners in the following propor-

tion viz' To the said Timothy Paine, John Chandler and John Murray each one fifth part thereof: to the said Abijah Willard one fourth part thereof; and to the said James Otis one fifth of three fourths thereof, to them their Heirs and assigns forever, they compleating the Settlement thereon originally enjoined. [*Passed June 11.*]

## CHAPTER 21.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
245.

House Jour-  
nal, pp. 14, 37.

AN ACCOUNT of Solomon Otis Esq<sup>r</sup> Treasurer of the County of Barnstable having been laid before the Court for allowance the following Order passed thereon viz'

*Resolved* that the foregoing account, being right cast and well vouched, be accepted, and that the Treasurer be discharged of the Sum of One hundred and sixteen pounds, eighteen shillings & two pence  $\frac{3}{4}$  which he has paid by order of the Court of Sessions and that a balance of the Sum of Eighty six pounds, nine shillings & five pence, still remaining due to the County he be further accountable for. [*Passed June 12.*]

## CHAPTER 22.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
246.

House Jour-  
nal, pp. 14, 19.

AN ACCOUNT of John Cotton Esq<sup>r</sup> Treasurer of the County of Plymouth having been laid before the Court for allowance the following Order passed thereon viz'

*Resolved* that the foregoing Account being right cast and well vouched be allowed; and that the Treasurer be discharged of the Sum of One hundred & seventy nine pounds, fifteen shillings and five pence which he has paid by order of the Court of Sessions, and that a balance of the Sum of One hundred and forty six pounds, twelve shillings and ten pence due to the County, he be further accountable for when by him received. [*Passed June 12.*]

## CHAPTER 23.

### RESOLVE ALLOWING THE PURCHASERS OF TOWNSHIP N<sup>o</sup> 3 TO GIVE BOND FOR THEIR SEVERAL PROPORTIONS OF AMOUNT DUE ON AARON WILLARDS BOND.

Legislative  
Records of the  
Council, xxvi.,  
246.

House Jour-  
nal, pp. 61, 71.  
Province  
Laws, iv., 1049,  
note; xvii.,  
242, chap. 50.

WHEREAS in June 1762 Aaron Willard jun<sup>r</sup> of Lancaster Esq<sup>r</sup> purchased of this Province the new Township N<sup>o</sup> 3 lying in the County of Hampshire adjoining to the Township of Chesterfield for himself and four Others his associates in the said Purchase, and gave his Bond to the Treasurer of the Province with Sureties for the purchase money agreeable to the Order of this Court &c And whereas the said purchaser and his associates have made partition

from between themselves of some considerable part of the said Land, and are now ready to make considerable payment in part of the said Aaron's Bond aforesaid. And the said Aaron and his Associates aforesaid being desirous and having moved this Court that they may make their several Securities to the Province Treasurer for their several proportions of the Sum that may remain unpaid on his Bond aforesaid.

*Resolved* That the Province Treasurer be permitted to accept the several Securities of the said purchaser and his said associates for their respective proportions of the Sum due on the said Aaron's Bond aforesaid; they giving their Bonds with sufficient Sureties effectually to secure the payment thereof; and that the same being done the said Treasurer be directed to deliver up to the said Aaron his said original Bond. [*Passed June 12.*]

## CHAPTER 24.

RESOLVE CONFIRMING TOWNSHIP N<sup>o</sup> 2 TO OLIVER PARTRIDGE, ESQ<sup>r</sup>, AND OTHERS.

A PETITION of Oliver Partridge Esq<sup>r</sup> in behalf of himself & Associates Setting forth That in the year 1762 They purchased of the Government a Township called N<sup>o</sup> 2 and have performed a great part of the duty enjoined on them, but are not impowered to make Conveyances to the Settlers or Others inclined to purchase. And Praying that the said Township may be granted and Confirmed to them, that they may be thereby enabled to make conveyances, and go on with their Settlements.

[Read and]

*Resolved* That the Township N<sup>o</sup> 2 which was sold by this Government in 1762 now belonging to Oliver Partridge and Elisha Jones Esq<sup>r</sup> and their associates lying in the County of Berkshire bounded as follows, beginning at the Northeast Corner of Ashuelot Equivalent, thence running East 20 South 2,011 Perch to a Stake and large heap of Stones, thence South 20 West 2,016 Perch to a large Maple Tree marked thence West 20 North 2,011 Perch to a small Beach Tree marked thence North 20 East to the first Bounds, be granted & confirmed to the said Oliver Partridge and Elisha Jones and their Associates in the said purchase, and to their Heirs and assigns, they performing the Settlement thereon originally enjoined; saving the quantity of two thousand and three hundred Acres of Lands included in said Lines which were Grants heretofore made by the General Court to particular persons. [*Passed June 13.*]

## CHAPTER 25

RESOLVE DIRECTING THE PROVINCE TREASURER TO PAY £1,112. 18. 7½ TO THE COMMITTEE FOR REBUILDING HARVARD COLLEGE.

*Resolved* That the Province Treasurer be & hereby is directed to pay out of the Publick Treasury to the Committee appointed to Rebuild Harvard Colledge the Sum of Eleven hundred & twelve pounds Eighteen Shillings & seven pence half penny to enable them

Legislative  
Records of the  
Council, xxvi.,  
248.

House Jour-  
nal, pp. 36, 77,  
78. Province  
Laws, xvii.,  
242, chap. 50.

Legislative  
Records of the  
Council, xxvi.,  
249. Mass.  
Archives,  
lviii., 555<sup>a</sup>.

House Journal, pp. 75, 77, 80, 81. Province Laws, xvii., 470, chap. 231. *Ante*, p. 33, chap. 58.

to pay the several ballances now due to the Workmen &c which is in full for the Charge & Cost of rebuilding said Colledge. [*Passed June 13.*]

## CHAPTER 26.

### RESOLVE IMPOWERING THE TOWN OF TYRINGHAM TO RETURN A LIST OF VALUATION OF RATEABLE POLLS AND ESTATES.

Legislative Records of the Council, xxvi., 250.

House Journal, p. 79. Province Laws, iv., 866, note.

A PETITION of William Hale and Others, a Committee of the Inhabitants of Tyingham Setting forth That they are greatly over rated to the Province Tax the last year; and praying an abatement; Whereupon the following Order passed viz<sup>t</sup>

In the House of Representatives.

Whereas it appears to this House that the said Town at the time of taking the general valuation had no opportunity to return a List of their rateable Polls and Estates. Therefore

*Resolved* That the said Town have leave to return such List to this House at the next Winter Session to which time their Petition and all matters relative thereto is referred.

In Council, Read and Concurred. [*Passed June 14.*]

## CHAPTER 27.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative Records of the Council, xxvi., 251.

House Journal, pp. 14, 78, 79.

AN ACCOUNT of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk, being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Account, being right cast and well vouched be allowed: and that the Treasurer be discharged of the sum of Three hundred and twenty five pounds, thirteen shillings and two pence  $\frac{1}{4}$  which he has paid by order of the Court of Sessions: and that a balance of Sixteen hundred and twenty seven pounds, one shilling & seven pence still remaining due to the County, and is outstanding in the hands of several Constables, he be further accountable for, when by him received. [*Passed June 14.*]

## CHAPTER 28.

### RESOLVE IMPOWERING BENJAMIN WITT, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxvi., 252.

House Journal, pp. 66, 87. Province Laws, li., 151, chap. 10.

A PETITION of Benj<sup>a</sup> Witt Admin<sup>r</sup> of the Estate of John Witt late of Gloucester deceased, & Guardian to two of his Children and of Jacob Parsons Guardian to two more, which four are all Females, and the only surviving Children of the deceased Setting forth That the deceaseds Real Estate was apprizd at Two hundred fifty six pounds  $\frac{2}{3}$  of which the Superior Court hath ordered to be sold to the amount of One hundred & sixty pounds for the payment of



debts; but that the whole exclusive of an unfinished dwelling House is insufficient for the purpose, and the said House cannot be sold off in parcels; and as the Children are young Praying they may be impowered to sell the whole of the said deceaseds Real Estate they to be accountable.

[Read and]

*Resolved* that the prayer of this Petition be granted; and that Benjamin Witt Admin<sup>r</sup> of the Estate of John Witt within mentioned be and he is hereby impowered to make Sale of the Premises, mentioned in this Petition for the most the same will fetch, & make and execute a good deed thereof to the purchaser, he Observing the Rules and directions of the law relative to the Sale of Real Estates by Executors and Administrators, and giving caution to the Judge of Probate for the County of Essex, that the proceeds arising by such Sale be applied so far as shall be necessary for the purposes mentioned in this Petition; and that the Overplus, if any be, be secured for the benefit of the Heirs at law of the said deceased. [*Passed June 16.*]

## CHAPTER 29.

### RESOLVE ALLOWING £13. 7. 5 TO WM EASTMAN.

A PETITION of William Eastman of South Hadley Setting forth, That in Jan<sup>y</sup> 1761 the General Court appointed a Committee to repair to South Hadley in consequence of a Petition from thence and ordered that the Charge of said Committee should be borne as this Court should hereafter order: That upon the credit of the said Order the Petitioner advanced to the said Committee the Sum of £13. 7. 5 on the 21<sup>st</sup> April 1761; And praying that he may have an Order for said Sum with Interest.

[Read and]

*Resolved* That the Sum of Thirteen pounds, seven shillings and five pence be paid out of the public Treasury to the Petitioner in full discharge of his Account as within mentioned, and that the said Sum of Thirteen pounds, seven shillings and five pence be added to the Tax of the District of South Hadley in the next Tax Act. [*Passed June 17.*]

Legislative  
Records of the  
Council, xxvi.,  
256.

House Jour-  
nal, pp. 80, 83.  
Province  
Laws, xvi., 694,  
chap. 288;  
xvii., 154, chap.  
356.

## CHAPTER 30.

### RESOLVE CALLING A MEETING OF THE TOWNS IN WORCESTER COUNTY FOR THE CHOICE OF A COUNTY REGISTER.

WHEREAS it so happened in the County of Worcester in May last that there was no choice of a County Register by reason of no one person's having a majority of Votes. Therefore

*Resolved* that James Putnam and Josiah Brewer Esq<sup>rs</sup> two of the Justices in and for the said County be, and hereby are impowered to grant out their Warrants directed to the Selectmen of the several Towns within the said County of Worcester, requiring them forthwith to convene the Freeholders of their respective Towns, and proceed to the choice of some meet person for Register of

Legislative  
Records of the  
Council, xxvi.,  
256.

House Jour-  
nal, p. 97.  
Province  
Laws, li., 8,  
chap. 5.

Deeds and Conveyances: And the said Justices shall make their Warrants returnable to themselves at a certain day as soon as conveniently may be, requiring the said Selectmen to seal up the Votes for Register, and return them together with the said Warrants. And the said James Putnam and Josiah Brewer shall at the same time give out their Notifications to the major part of the Justices of said County of their proceedings therein, desiring them to meet upon the day appointed for the Return of said Warrants at the Court House in said County: and the major part of the Justices of said County being met together on such day, the said Votes for Register shall be opened and sorted in presence of the said Justices, and the person having the most Votes shall be Register of Deeds for said County until the time appointed by Law for the Election of Registers through the Province. [*Passed June 18.*]

## CHAPTER 31.

### RESOLVE ESTABLISHING THE GARRISONS AT CASTLE WILLIAM AND FORT POWNALL AND THE WAGES THEREOF.

Legislative  
Records of the  
Council, xxvi.,  
258. Mass.  
Archives,  
lxxx., 608.

*Resolved* that there be allowed Forty Men officers included for the Defence of his Majesty's Castle William, and that the following Establishment be made for their Wages to continue for One Year from the Twentieth day of June current Viz

Mass. Archives, lxxx., 609.	For One Captain	£ Annum	. . . . .	£56. 3. 10
Legislative Records of the Council, xxvi., 255, 256. House Journal, pp. 76, 77. <i>Post</i> , p. 140, chap. 53; p. 146, chap. 68; p. 262, chap. 77.	One Lieutenant	£ ditto	. . . . .	28. 11. 5
	A Chaplain	£ do	. . . . .	33. 6. 8
	A Gunner	£ do	. . . . .	45. 6. 8
	A second Gunner	£ do	. . . . .	33. 6. 8
	One Armourer	£ Month	. . . . .	2. 4. 6
	Two Sergeants	£ do each	. . . . .	1. 12
	Six Quarter Gunners	£ do each	. . . . .	1. 12
	Four Corporals	£ do each	. . . . .	1. 9. 4
	One Drummer	£ do	. . . . .	1. 9. 4
	Twenty one privates	£ do each	. . . . .	1. 4.

*Resolved* That the Establishment of Fort Pownall at Penobscot from the twentieth of June Curr<sup>t</sup> for One Year be as follows

For One Lieutenant	£ Month	. . . . .	£3
A Chaplain	£ do	. . . . .	4
One Interpreter	£ do	. . . . .	3
One Gunner	£ do	. . . . .	3
One Sergeant	£ do	. . . . .	1. 10
Fifteen Privates	£ do each	. . . . .	1. 4

[*Passed June 18.*]

## CHAPTER 32.

### RESOLVE ALLOWING £7.5 TO THE TOWN OF GRAFTON.

Legislative  
Records of the  
Council, xxvi.,  
260. Mass.  
Archives,  
cxviii., 190.

A PETITION of Ephriam Sherman Agent for the Town of Grafton praying that the Fine laid on said Town the last year for not sending a Representative may be remitted in consideration of the smallness of the said Town, and the great Expence they were at in purchasing a new County Road.

Read and

Mass.  
Archives,  
cxviii., 190.

*Resolved* that there be allowd & paid out of the Province Treasury to the with in named Ephraim Sherman for the Use of the Town of Grafton the Sum of seven pounds five shillings, that Sum being laid on said Town as a fine for their not sending a representative to the Great & Gen<sup>l</sup> Court the last year. [*Passed June 19.*]

House Journal, pp. 72, 91.  
Province Laws, iv., 825, chap. 18.

## CHAPTER 33.

RESOLVE DECLARING THE PROCEEDINGS AT A TOWN MEETING IN GREAT BARRINGTON TO BE NULL AND VOID AND IMPOWERING THE SELECTMEN THEREOF TO CALL A NEW MEETING.

*Resolved* That the Town Meeting holden in Great Barrington in March last was irregular and illegal, together with the choice of Officers then made, and the same is hereby set aside & declared to be null and void: And that the Selectmen of Great Barrington for the last year be, and hereby are Ordered to issue their Warrants for calling another Meeting of the said Town to be holden at the Meeting House in said Great Barrington on the second Monday of July next at ten O'Clock in the Forenoon, to act upon the several Articles that were to have been acted upon at the Meeting aforesaid on the 24<sup>th</sup> of March last: and that all Elections of Officers and other matters or things that may be transacted or done at said Meeting shall to all Intents and purposes whatsoever be as legal and valid, as if the same had been made, acted upon, or done, in the Month of March; and that Joseph Hawley Esq<sup>r</sup> be, and hereby is impowered & authorised to act as Moderator of said Meeting. [*Passed June 19.*]

Legislative Records of the Council, xxvi., 261.

Legislative Records of the Council, xxvi., 251, 252. House Journal, pp. 54, 67, 84, 87, 95, 96.

## CHAPTER 34.

ORDER REFERRING THE CONFIRMATION OF A PLAN OF A TOWNSHIP TO JOS. SYLVESTER AND OTHERS AND ORDERING A SURVEY THEREOF.

A PLAN of the Contents of seven Miles square said to have been granted for a Township to Cap<sup>t</sup> Joseph Sylvester & Others their Descendents and Assigns, but endorsed Plan of a Township granted to Warren & Others, bounded as follows viz<sup>t</sup> beginning at a great Rock in Androscoggin River, the Northerly Corner of Bakers Town so called, and from thence runs Southwest in the Line of said Bakers Town four Miles to a stake, then Northwest six miles and a half to a Stake, then North East ten Miles and a half to said River, and then with said River to the first Corner: being presented for acceptance, the following Order passed thereon viz<sup>t</sup>

Legislative Records of the Council, xxvi., 261. Mass. Archives, cxlviii., 177.

Mass. Archives, cxlviii., 176. Maps and Plans, Mis., xxxvii., 32. House Journal, pp. 53, 88, 100. *Ante*, p. 48, chap. 33.

The within plan was presented for Acceptance, and Confirmation. and it Appearing that the Proprietors of the Township granted to Cap<sup>t</sup> Sylvester have made the first, & regular Pitch of the Lands Contained in the Plan,

*Ordered* that the Plan Lye to the next setting of the Court, & in the mean Time that the said Proprietors. be directed to make An Actual Survey of said Lands. by A Surveyor & Chainman on Oath & return the Same to this Court. [*Passed June 19.*]

## CHAPTER 35.

RESOLVE IMPOWERING ELEAZER PORTER, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
262. Mass.  
Archives, xix.,  
744.

Mass.  
Archives, xix.,  
742. House  
Journal, pp. 35,  
36, 84, 92, 94.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Chester Williams and Nehemiah Williams of Hadley Minors Setting forth That in March last a dwelling House to them belonging in said Town was consumed by Fire; and although the people have generously set them up a Frame, and in part covered it, yet they were unable to finish it, and their Interest in said Town is so small that they should not incline to settle there. And praying liberty to sell the said Materials, and the Lot whereon it stands containing about ten Acres; the produce to be improved for their benefit.

[Read and]

*Resolved* That the Prayer of the s<sup>d</sup> Petition be granted & that Eleazer Porter Esq of Hadley one of the Executors of the Last Will of the Late Father of the said petitioners be & he is hereby impowred in the Name & Behalf of the s<sup>d</sup> Petitioners & for their Use & Benefit to make Sale of the premisses in s<sup>d</sup> petition mention'd for the most the same will fetch & to make & execute in their names a good Deed thereof to the purchasers He the s<sup>d</sup> Eleazer observing the Directions of the Law of this province relative to the sale of real Estates by Executors or Admin<sup>rs</sup> & giving Caution to the Judge of probate for y<sup>e</sup> County of Hampshire to account for the proceeds of s<sup>d</sup> Sale to the s<sup>d</sup> Petitioners when required. [*Passed June 19.*]

## CHAPTER 36.

RESOLVE CONFIRMING THE TOWN WAYS OF TOWN OF BOLTON.

Legislative  
Records of the  
Council, xxvi.,  
263.

House Jour-  
nal, pp. 41, 92,  
103.

A MEMORIAL of Nath<sup>l</sup> Longley and Others Selectmen of Bolton Setting forth. That by reason of some Irregularities in their proceedings relative to the laying out of Highways in said Town, they are liable to be controverted, tho' no disputes have as yet arisen concerning them. And praying that said Roads and Ways as they now stand Recorded on the Town Book may be confirmed.

[Read and]

*Resolved* that the prayer of this Petition be granted, and all those Ways mentioned therein which have been laid out by the Selectmen and accepted by the Town of Bolton, notwithstanding the omission of any Clerk of said Town in making a Record of the acceptance thereof by said Town. And also the other Ways which have been accepted by said Town on a general Clause in the Warrant without any particular description of the same, be, and hereby are, established and confirmed as Town ways to all intents and purposes, the aforesaid Defects notwithstanding. [*Passed June 19.*]

## CHAPTER 37.

RESOLVE IMPOWERING BENJ<sup>A</sup> KENDALL, GUARDIAN, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benj<sup>a</sup> Kendall Guardian to Ruth Cozzens a Minor of about fifteen years of age Setting forth That the said Minor is seized of four parcels of Land lying in Sherburn Holliston & Douglas, all unimproved, and valued at Forty pounds. That the said Minor is in a weak state, and has already incurred sundry charges for Physicians, Nurses &c and has now an opportunity of selling two of the said parcels at the appraised value, and the Friends & relatives of the said Minor apprehend it best that the whole should be sold. Therefore praying that he may be empowered to sell the said four parcels of Land under such restrictions as this Court shall judge proper.

[Read and]

*Resolved* that the prayer of this Petition be granted; and that Benj<sup>a</sup> Kendall Guardian to Ruth Cozzens be, and he is hereby empowered to make Sale of the Premises mentioned in this Petition for the most the same will fetch, and to make and execute a good deed or deeds thereof to the purchasers, He observing the directions of the Law relative to the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Middlesex that the proceeds arising by said Sale be applied for the benefit of the said Ruth. [*Passed June 19.*]

Legislative  
Records of the  
Council, xxvi.,  
263.

House Jour-  
nal, pp. 37, 101.  
Province  
Laws, II., 151,  
chap. 10.

## CHAPTER 38.

RESOLVE IMPOWERING ISAAC RIDGEWAY, EXECUTOR, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Isaac Ridgway surviving Executor of John Ridgway late of Boston deceased Setting forth That the deceaseds personal Estate falls short of paying the debts due and owing from the said deceased to the amount £135.12.11 That he left a dwelling House and Land situate in Royal Exchange Lane in said Boston appraised at £266.13.4 which is going out of Repair, and not worth so much now, as at the time of the Testators death. That it cannot be so divided as to sell to advantage, and as one half of those interested therein are of age, and desirous with the Guardians of the Others that the whole may be Sold, Praying that he may be empowered to sell the same accordingly.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the said Isaac Ridgway Exec<sup>r</sup> of the Estate of John Ridgway as mentioned in the within Petition, be and he is hereby empowered to make Sale of the premises mentioned in this Petition for the most the same will fetch, and to make and execute a good deed thereof to the purchaser, he observing the directions of the Law relative to the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup> & giving caution to the Judge of Probate for the County of Suffolk that the proceeds arising by said Sale be applied for the purpose within mentioned, and the Overplus if any there be, put to Interest for the benefit of the Heirs. [*Passed June 19.*]

Legislative  
Records of the  
Council, xxvi.,  
264.

House Jour-  
nal, pp. 53, 101,  
102. Province  
Laws, II., 151,  
chap. 10.



## CHAPTER 39.

RESOLVE IMPOWERING JOSIAH JONES, ADM<sup>r</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
264.

House Jour-  
nal, pp. 82, 103.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Benj<sup>a</sup> Hopkins, Grandfather of the Children of Josiah Jones late of Wilmington deceased; Thomas Pierce their Guardian and Josiah Jones Admin<sup>r</sup> of the said deceaseds Estate Setting forth That there is need of selling part of the deceaseds Real Estate to the amount of £110.18.11 at least, for the payment of debts; that he left six Children, all under fourteen years of age, and a Real Estate apprizd at £386.13.4, which is so circumstanced, as that to sell only enough to pay the debts aforesaid, will greatly endamage the rest, as it will then make but a poor Settlement: and as it will be so long before the Children come of age, the Buildings & Fences must necessarily go out of Repair. and praying that liberty may be given to sell the whole for the benefit of the Heirs.

[Read and]

*Resolved* That the prayer of the Petition be so far granted as that Josiah Jones one of the Petitioners in his capacity as Administrator be and he is hereby empowered to make sale of so much of the said deceaseds Real Estate where it will be least prejudicial to the remainder, as will sell for One hundred and fifteen pounds, to enable him the said Petitioner to satisfy the deceaseds just debts and the Charges of Sale, and to make and execute a good Deed or deeds of conveyance thereof in the Law; he observing the directions of the Law respecting the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Essex to account with him for the proceeds thereof. [*Passed June 19.*]

## CHAPTER 40.

RESOLVE IMPOWERING EBEN<sup>r</sup> WILLIS, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
265.

House Jour-  
nal, pp. 72, 102.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Ebenezer Willis of Dartmouth Guardian to Zeruiah Tupper Widow a person Non compos mentis, and also to her daughter Elizabeth Tupper a minor under fourteen years of age, both of Sandwich in the County of Barnstable, Setting forth That they are both interested in a Dwelling House and Barn and small tract of Land adjoining, and in some Wood Lands in Sandwich. That the House and Fence are much out of Repair, and the Widows part of the Rent insufficient for her support; that the Interest of what it would sell for would amount to double the Rent; and that it would therefore be of advantage to both to have the Estate sold and the money arising by said Sale improved at interest for the benefit of the Concerned. And praying that he may be empowered to sell the same accordingly.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that Ebenezer Willis Guardian to Zeruiah Tupper Widow and her daughter Elizabeth a Minor within mentioned, be and he is hereby empowered to make Sale of the premises mentioned in this Petition for the most the same will fetch, and make and execute a good deed



or deeds thereof to the purchaser; he observing the Rules and directions of the Law relative to the Sale of Real Estates by Exec<sup>ts</sup> and Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Barnstable that the proceeds arising by such Sale be applied for the purposes mentioned in this Petition. [*Passed June 19.*]

## CHAPTER 41.

RESOLVE IMPOWERING WILL<sup>M</sup> ELLIS, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Ellis of Dedham Guardian and Grandfather to Rebecca Bullard a Minor of about fourteen years of age Setting forth That the said Minor hath a Tract of Land in said Dedham containing about twelve Acres, the rent of which is scarcely sufficient to pay the Taxes & Repairs; and yet would sell for Eighty pounds; that the said Land lyes remote from the House and Other Lands belonging to said Minor: and praying that he may be impowered to sell the same for the benefit of his said Grand Child.

[Read and]

*Resolved* That the Prayer of the Petition be granted, and that William Ellis the Petitioner be and hereby is fully authorized and impowered to make Sale of the Land mentioned in said Petition for the most the same will fetch, and to execute a good deed or deeds in the Law of the same; observing the directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and giving sufficient caution to the Judge of Probate for the County of Suffolk that the Money arising by the Sale be put out to Interest for the benefit of Rebecca Bullard the Minor mentioned in the Petition, and paid to her at her Marriage or when she shall come of age. [*Passed June 20.*]

## CHAPTER 42.

RESOLVE IMPOWERING JUSTUS SACKET, EXECUTOR, TO EXECUTE A DEED.

A PETITION of Bethesda Sacket and Justus Sacket Exec<sup>rs</sup> of the last Will of Eliakim Sacket late of Westfield deceased Setting forth That the said Eliakim had in his life time bargained with Isaac Bartlett of Granville for a Tract of Land containing One hundred and ten Acres lying in said Granville, for which he gave security to pay in a limited time, and thereupon the said Eliakim gave his Bond to make a deed of conveyance when payment should be made as aforesaid. But the said Eliakim dyed before the said Contract was fulfilled, and as payment is already made in part, and the rest of the money ready upon the deeds being executed Praying that they may be impowered to make a deed of said Land according to Contract.

[Read and]

*Resolved* That the prayer of the Petition be granted; and that Justus Sacket one of the Petitioners and an Executor of the last

Legislative  
Records of the  
Council, xxvi.,  
266.

House Jour-  
nal, pp. 77, 102.  
Province  
Laws, ii., 151,  
chap. 10.

Legislative  
Records of the  
Council, xxvi.,  
267.

House Jour-  
nal, pp. 74, 104.

Will & Testament of Eliakim Sacket late of Westfield deceased, be and hereby is impowered to make and execute a good deed of conveyance of the Land mentioned in the Petition to said Isaac Bartlett, agreeable to the Condition of the Obligation which said Eliakim Sacket in his life time gave to said Bartlett. [*Passed June 20.*]

## CHAPTER 43.

RESOLVE ALLOWING THE ACCOUNT OF THE PROVINCE TREASURER FROM MAY 29, 1765, TO MAY 28, 1766, AND DISCHARGING HIM OF £122,776. 9. 2.

Legislative  
Records of the  
Council, xxvi.,  
268.

Mass.  
Archives,  
cxxv., 325.  
House Jour-  
nal, pp. 92, 93.  
*Ante*, p. 50,  
chap. 95.

THE COMMITTEE to whom was referred the Examination of the Accounts of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his majesty's Revenues within his Province of the Massachusetts Bay in New England, beginning the 29<sup>th</sup> of May 1765 ending the 28<sup>th</sup> of May 1766 having attended that Service upon examining the same find them right cast and well vouch'd, by which it appears that the said Accomptant charges himself with the Sum of Seventy nine thousand, five hundred forty nine pounds, nine shillings and two pence, being so much due for Taxes as represented by his last Accompts: Also with the Sum of One hundred thirty one thousand, nine hundred forty eight pounds one shilling, the balance due by last Accompts: with the Sum of Fifty two thousand, six hundred fifty nine pounds and seven pence laid upon Polls and Estates by virtue of an Act of the General Court, passed at their Session in May 1765. Also with the Sum of Twenty thousand, seven hundred forty one pounds, eight shillings received for Bills of Exchange drawn on Jasper Mauduit Esq<sup>r</sup> Also with the Sum of Twelve thousand three hundred, eighty five pounds borrowed of sundry persons by virtue of an Act passed the Great and General Court at their Session in May 1764. Also with the Sum of Two hundred pounds received of Thomas Foster Esq<sup>r</sup> which Sum he received out of the Treasury as Agent for the Town of Plymouth for repairing the Town Beach, which Sum the Town refused to accept of, upon the Condition it was granted. Also with the Sum of One thousand pounds received of M<sup>r</sup> Commissary Hubbard being the profits of the Indian Trade. Also with the Sum of Sixteen hundred, seventy one pounds, one shilling and ten pence received of the Farmers of Excise upon Tea, Coffee &c With the Sum of Eleven thousand four hundred fifty eight pounds, fifteen shillings & four pence received of the Collectors of Excise upon Spirituous Liquors. With the Sum of Two pounds received of Justice Brown for Fines. With the Sum of Three pounds, ten shillings of Col<sup>o</sup> Warren for Fines. With the Sum of Thirty pounds received of Sheriff Pearson for Fines. With the Sum of Twenty six pounds seventeen shillings and eight pence received of his Honour Thomas Hutchinson Esq<sup>r</sup> for Lands taken in Execution upon £100,000 Loan. Also with the Sum of Twelve hundred thirteen pounds, eight shillings, and eleven pence received of James Russell Esq<sup>r</sup> Commissioner of the Impost Duties. All which Sums amount to Three hundred and twelve thousand, eight hundred, eighty eight pounds, twelve shillings and six pence.

The Committee further find that the said Accomptant discharges

himself by sundry payments and disbursements by Order of the Governor and Council amounting to Nineteen thousand and nineteen pounds, eight shillings and one penny. Also by sundry Government Securities burnt by a Committee of both Houses, amounting to Ninty three thousand, one hundred sixty four pounds, nineteen shillings and eight pence the Interest included. Also with the Sum of Ten thousand five hundred and ten pounds, thirteen shillings and four pence paid the Possessors of Government Securities for one years interest from May 1765 to May 1766. Also by a remittance of Bernard Town Taxes for 1763 & 1764 amounting to Thirty nine pounds three shillings and four pence. Also by a remittance of Hunts Town Taxes for 1762, 1763 & 1764 amounting to Forty two pounds fourteen shillings and nine pence. Also by Taxes still outstanding, amounting to Eighty five thousand, one hundred thirty nine pounds, sixteen shillings and five pence. And by balance in hand further to account for One hundred and four thousand nine hundred seventy one pounds, sixteen shillings & Eleven pence. All which Sums amounting in the whole to Three hundred, twelve thousand, eight hundred eighty eight pounds twelve shillings and six pence.

Whereupon the following Order passed the Court viz<sup>t</sup>

*Resolved* That the Treasurer be and hereby is discharged of the several Payments in the foregoing Account amounting to One hundred twenty two thousand seven hundred and seventy six pounds nine shillings & two pence. And that he be further accountable for the Sum of Eighty five thousand, one hundred and thirty nine pounds sixteen shillings and five pence outstanding Taxes due from the several Towns when received into the Treasury. And the further Sum of One hundred and four thousand, nine hundred and seventy one pounds, sixteen shillings and eleven pence balance in hand.  
[*Passed June 20.*]

## CHAPTER 44.

### VOTE APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

#### In Council

*Voted* that Thomas Hubbard, Andrew Belcher, & James Pitts Esq<sup>r</sup> with such as the hon<sup>ble</sup> House shall join, be a Committee in the Recess of the Court, to repair to the Treasurers, take an Account of y<sup>e</sup> Province Securities, which may have been redeemed by him, see them consumed to Ashes, and make report, at the next sitting of the General Court

Legislative  
Records of the  
Council, xxvi.,  
270. Mass.  
Archives, clv.,  
384.

House Jour-  
nal, p. 114.

#### In the House of representatives

Read & Concurr'd & M<sup>r</sup> Speaker M<sup>r</sup> Hall M<sup>r</sup> Hancock & M<sup>r</sup> Sheafe M<sup>r</sup> Otis & M<sup>r</sup> Adams are joynd in the Affair. [*Passed June 21.*]

## CHAPTER 45.

RESOLVE RELEASING A CERTAIN TRACT OF LAND TO BENJ<sup>A</sup> GOOD-  
RICH AND OTHERS.

Legislative  
Records of the  
Council, xxvi.,  
271.

House Jour-  
nal, p. 241  
(February,  
1766); pp. 82,  
99, 105, 106.  
*Ante*, p. 64,  
chap. 120.

ON THE PETITION of Charles Goodrich in behalf of Benj<sup>a</sup> Goodrich, Daniel Goodrich, Benjamin Goodrich jun<sup>r</sup>, Samuel Goodrich Nathan Goodrich, Jeremiah Osborn, Hezekiah Osborn Dudley Demming, Joshua Simons, Eleazer Deming, Hezekiah Talcot and Israel Talcot, presented to the last Court & referred to this time, Praying that they might be admitted to purchase of this Government the unappropriated Land in this Province West of Pittsfield.

[Read and]

*Resolved* That all the Right and Title of this Province in and to a certain Tract of Land lying Westward of Pittsfield in the County of Berkshire, bounded Eastward by the Township of Pittsfield aforesaid, Northward by a Line of the same course by the North Line of the said Pittsfield, running from the Northwest corner of the said Pittsfield to a Line running from the Northwest corner of the Oblong, to the Northwest Corner of Williamstown, Westward by the Line last mentioned, Southward by a Line of the same course with said Pittsfield South Line, and running from the said Pittsfield Southwest Corner to the aforesaid Line running from the said Oblong Northwest Corner to the Northwest Corner of Williamstown aforesaid. Always excepting Five hundred Acres within the Lines aforesaid viz<sup>t</sup> Two hundred Acres owned by Joseph Barker, and Three hundred Acres owned by Ephraim Keys; the said Tract exclusive of said five hundred Acres, supposed to be in quantity six thousand three hundred and thirty six Acres, be released and quitclaimed to the abovenamed Petitioners, and Samuel Lamb and Theophilus Bishop. To have and to hold one fourteenth part of the above described Premises to each of the above named Petitioners, and the said Samnel Lamb and Theophilus Bishop in fee Simple. Provided They will pay or give good security for the payment to this Government of Three hundred and sixteen pounds, sixteen shillings lawful money within twelve months. [*Passed June 21.*]

## CHAPTER 46.

## RESOLVE IMPOWERING ERASTUS SACKETT TO PROSECUTE AN ACTION.

Legislative  
Records of the  
Council, xxvi.,  
273.

House Jour-  
nal, pp. 91, 110.

A PETITION of Erastus Sackett of Pittsfield Setting forth That certain differences arising between him and his Brother Jesse Sacket on the one part, and their Mother Abigail Sacket Widow of their late Father Joseph Sacket deceased on the other part they submitted the matters in controversy to the determination of Referees, who by their Award dated 13<sup>th</sup> October 1757 ordered that the Petitioner and his said Brother Jesse should each of them pay to their said Mother thirty five shillings a year in lieu of her dower; in pursuance of which Award he became bound to his said Mother for the payment of thirty five shillings a year as aforesaid, and accordingly paid her the same, the first year, and has from year to year for divers years since tendered the payment of said Annuity, as it

became due; but she the said Abigail hath refused to receive it, and brought an Action for her dower and recovered the same of and in a Message in Pittsfield part of the deceaseds Estate settled on the Petitioner. That said Abigail's Bond of submission upon which the Award was founded, was given jointly to the Petitioner and his said Brother Jesse, by whose Coven and Collusion it is, that his said Mother has brought her Action aforesaid, and therefore he justly apprehends he may be defeated by his said Brother in case he should bring his Action on the said Bond for remedy. And praying the interposition of this Court for his Relief.

[Read and]

*Resolved* That the prayer of the said Petition be granted. And that the said Erastus Sacket be, and hereby is impowered to commence and prosecute his Action on the Bond of submission in his Petition mentioned in the same manner as if he was named sole Obligee therein. And that the Court or Courts before whom the said Action may be, are hereby impowered to hear and determine the same, to give Judgment and award Execution therein for said Erastus for his just debt or damages and Cost, as if the said Jesse was not named in said Bond. [*Passed June 21.*]

## CHAPTER 47.

RESOLVE IMPOWERING SAM<sup>L</sup> GILL, PICKELLS CUSHING, AND BENJAMIN LINCOLN, JR., TO SELL REAL ESTATE.

A PETITION of Samuel Gill jun<sup>r</sup> and Sarah his Wife, Pickells Cushing and Abigail his Wife, and Benj<sup>a</sup> Lincoln jun<sup>r</sup> Guardian to Lucy Hatch, the said Sarah, Abigail, and Lucy, being all the surviving Children and Heirs of Ebenezer Hatch late of Pembroke deceased Setting forth That the said deceased died Intestate in the year 1756, and that his whole Real Estate consists of a small dwelling house and Barn and forty odd Acres of Land lying in Pembroke, which has been hitherto rented for the benefit of the said Children, and their Mother, but is now much out of Repair, and as two of the said Children are settled in other Towns, and the Mother is desirous to receive her proportion of the Interest money arising on the Sum the Estate may sell for in lieu of her Dower Praying that the said Samuel Gill, Pickells Cushing and Benj<sup>a</sup> Lincoln may be impowered to sell the said Estate, they accounting with the Judge of Probate for the County of Plymouth for the proceeds thereof.

[Read and]

*Resolved* that the prayer of this Petition be granted; and that the within named Samuel Gill Pickells Cushing and Benj<sup>a</sup> Lincoln jun<sup>r</sup> be, and they hereby are impowered to make sale of the premises mentioned in this Petition for the most the same will fetch, and to make and execute a good deed of conveyance thereof in Law to the purchaser; they observing the direction of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving proper caution to the Judge of Probate for the County of Plymouth that the proceeds arising by such Sale be applied to the purposes mentioned in this Petition. [*Passed June 21.*]

Legislative  
Records of the  
Council, xxvi.,  
273.

House Jour-  
nal, pp. 73, 113,  
114. Province  
Laws, ii., 151,  
chap. 10.



## CHAPTER 48.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
274.

House Jour-  
nal, pp. 14, 110.

THE ACCOUNT of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Account, being right cast and well vouch'd be accepted: and that the Treasurer be discharged of the Sum of Two hundred thirty nine pounds, three shillings and seven pence, which he has paid by order of the Court of Sessions; and that the balance being the Sum of Three hundred seventy four pounds, seventeen shillings and one penny still remaining due to the County, the said Treasurer be further accountable for. [*Passed June 21.*]

## CHAPTER 49.

ORDER APPOINTING A COMMITTEE TO TAKE THE SECURITIES FOR THE PAYMENT OF LAND SOLD BENJ<sup>a</sup> GOODRICH & OTHERS.

Legislative  
Records of the  
Council, xxvi.,  
277.

*Ante*, p. 136,  
chap. 45.

In the House of Representatives.

*Ordered* that M<sup>r</sup> Hawley & M<sup>r</sup> Johnson be a Committee with such as the Hon<sup>ble</sup> Board shall join to take the Securities for the payment of the monies into the Province Treasury for the Lands in the Western parts of this Province, lying Westward of Pittsfield in the County of Berkshire, to be sold to Benj<sup>a</sup> Goodrich, Daniel Goodrich, Benjamin Goodrich jun<sup>r</sup> and Sam<sup>l</sup> Goodrich, Nathan Goodrich, Jeremiah Osborn, Hezekiah Osborn, Dudley Deming, Joshua Simons, Eleazer Demming, Hezekiah Talcot and Israel Talcot, Samuel Lamb and Theophilus Bishop.

In Council, Read and Concurred, and Royall Tyler Esq<sup>r</sup> is joined in the affair.<sup>1</sup> [*Passed June 24.*]

## CHAPTER 50.

## ORDER REMITTING TO THE TOWN OF UXBRIDGE £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxvi.,  
277. Mass.  
Archives,  
cxviii., 191.

Mass.  
Archives,  
cxviii., 191.  
House Jour-  
nal, pp. 118, 119.  
Province  
Laws, iv., 825,  
chap. 18; 866,  
note.

A PETITION of Ezekiel Wood Agent for the Town of Uxbridge praying that in consideration of the great charge they have been at within two years last past, and great loss of Inhabitants in the year 1762 by a mortal and distressing distemper with the expence and damage consequent thereon; the Fine laid on said Town the last year for not sending a Representative may be remitted.

In the House of Representatives

Read &

*Ordered* that the Prayer of this Pet<sup>a</sup> be granted & that the Treasurer be & is hereby directed to pay unto M<sup>r</sup> Ezek<sup>l</sup> Wood for the Use

<sup>1</sup> Not found in the House Journal.



of the said Town of Uxbridge the Sum of Ten Pounds a fine laid on them by this House for neglecting to send a Representative the last year

In Council

Read and Concurred. [*Passed June 24.*]

## CHAPTER 51.

### RESOLVE ALLOWING £5. 2. 8 TO FRA<sup>s</sup> LE BLANC, ETC.

*Resolved* that the prayer of the Petition of Francis Le Blanc [for assistance. — Mass. Archives, xxiv., 572] be so far granted that the Sum of five pounds Two Shillings and Eight pence be paid out of the Province Treasury to pay the Doctors Bill as Set forth in the s<sup>d</sup> Francis Petition and that the Town of Brimfield and South Brimfield be notified that they may Shew Cause if any They have on the Second Tuesday of the Next Setting of this Court why the Sum of five pounds Two Shillings and Eight pence Should not be added to their next years Province Tax. [*Passed June 24.*]

Legislative  
Records of the  
Council, xxvi.,  
278. Mass.  
Archives,  
xxiv., 577.

Mass.  
Archives,  
xxiv., 572, 573.  
Legislative  
Records of the  
Council, xxvi.,  
247. House  
Journal, pp. 75,  
76, 81, 118.  
Province  
Laws, iv., 995,  
note.

## CHAPTER 52.

### RESOLVE IMPOWERING THE ASSESSORS OF THE TOWN OF SHUTESBURY TO ISSUE WARRANTS TO CONSTABLES FOR THE COLLECTION OF TAXES.

A PETITION of Eben<sup>r</sup> Child and Others Assessors of the Town of Shutesbury Setting forth That in the year 1765 they assessed the Inhabitants of said Town, but neglected giving a Warrant to the Constables for collecting the same until other Constables were chosen the next year: And praying that they may be authorised to issue their Warrants to the Constables for the said year, and that such Warrant be accounted valid.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the assessors of the Town of Shutesbury for the year 1765 be and hereby are impowered and directed to issue their Warrants for collecting the Town & County Tax committed to the Constables of the said Town of Shutesbury for the Year 1765 to collect, notwithstanding the time being elapsed for issuing the same: And the Constables for the year 1765 are also hereby directed and impowered to observe the same and to compleat their Collections, and pay in the same as by their said Warrant they shall be required and directed.

[*Passed June 24.*]

Legislative  
Records of the  
Council, xxvi.,  
278.

House Jour-  
nal, pp. 117, 120.  
Province  
Laws, iv., 866,  
note.

## CHAPTER 53.

Legislative  
Records of the  
Council, xxvi.,  
278. Mass.  
Archives,  
lxxx., 608.

Mass.  
Archives,  
lxxx., 608.  
Legislative  
Records of the  
Council, xxvi.,  
262, 270. House  
Journal, pp. 76,  
118. *Ante*,  
p. 128, chap. 31.

RESOLVE ALLOWING TEN MEN ADDITIONAL FOR THE DEFENCE OF CASTLE WILLIAM, AND ESTABLISHING THE PAY THEREOF.

*Resolved* that there be allowed Ten Men in addition to the twenty one privates allowed the 12<sup>th</sup> Ins<sup>t</sup> for the Defence of his Majesty's Castle William upon the Establishment of One pound four shillings p Month each. [*Passed June 24.*]

## CHAPTER 54.

RESOLVE GRANTING 8,544 ACRES OF EQUIVALENT LAND TO HENRY YOUNG BROWN.

Legislative  
Records of the  
Council, xxvi.,  
280. Mass.  
Archives,  
cxviii., 195.

Mass.  
Archives,  
cxviii., 192, 193.  
Legislative  
Records of the  
Council, xxvi.,  
186, 276. House  
Journal, p. 115.  
Province  
Laws, xvii.,  
175, chap. 404;  
466, chap. 223.  
*Ante*, p. 66,  
chap. 125.

*Resolved* that there be granted to the Petitioner [Henry Young Brown] Eight thousand five hundred & forty four Acres of Land adjoining to the Eastwardly Part of his Township or to either of the two other Townships laid out at or near Pigwackett so called, one laid out to Coll<sup>o</sup> Joseph Fry, the other to the Town of Rowley Canada he giving Bond to the Province Treasurer to settle the same with Eighteen Familys in six years from the Confirmation of a Plan of said Town which he is to return for Acceptance in one year And also giving a full Discharge from any further Demands on this Government for the Aforesaid Quantity of 8,544 Acres taken off from the West Side of his Town by the Line run by order of this Court. [*Passed June 25.*]

## CHAPTER 55.

RESOLVE IMPOWERING HENRY YOUNG BROWN TO DEFEND ALL ACTIONS BROUGHT AGAINST HIM IN REGARD TO LAND BOUGHT OF THIS PROVINCE.

Legislative  
Records of the  
Council, xxvi.,  
280. Mass.  
Archives,  
cxviii., 195.

House Jour-  
nal, pp. 52, 99,  
120, 121. *Ante*,  
p. 106, chap.  
222. *Supra*,  
chap. 54.

*Resolved* that the Pet<sup>r</sup> [Henry Young Brown] be & is hereby directed to defend all Actions that are or shall be brot against him for Lands purchasd of this Province to the Eastward of the Line run by order of this Court last march, at the Expence of this Province; he being directed to do his Endeavor to get all Actions against him or those under him continued till the final Settlement of the Line run between the Province of New Hampshire & the Province of Main so called. And that the Pet<sup>r</sup> be directed to prosecute, at the Expence of this Province, such Person or or<sup>1</sup> Persons as have or shall enter on said Land under the Title of New Hampshire to the Eastward of the Line run last march by Order of this Court; he following the Directions of this Court relative thereto. And that he have Liberty to draw out of the Treasury of the Province Twenty Pounds for that Purpose for which he is to be accountable. [*Passed June 25.*]

<sup>1</sup> *Sic.*

## CHAPTER 56.

## RESOLVE ESTABLISHING THE BOUNDS BETWEEN THE TOWNS OF WALTHAM AND WESTON.

A PETITION of Abraham Bigelow in behalf of the Town of Weston, praying for a Settlement of the Line between the said Town of Weston and the Town of Waltham.

Read and Accepted and thereupon

*Resolved*, That the Bounds between the Towns of Waltham and Weston as hereafter described from Thachers Meadow to Coal Pit bottom so called, are, and ought always to have been the Line between the said Towns, and so to remain forever viz<sup>t</sup> beginning at a stake and heap of Stones in Thacher's Meadow so called, and from thence Westerly to a heap of Stones on a Ridge hill formerly Abijah Wheeler's, and from the last mentioned Bounds Westerly to a heap of Stones at or near the Coal pit bottom so called, and from thence by the mutual agreement of the agents of said Towns authorised for that purpose, the Bounds to run from the aforesaid Coal pit Bottom to the Southeast corner of the Land of Abraham Bemis, and then with the South Line of the said Bemis's possession to Lincoln Town line, including all the said Bemis's Land to the Town of Waltham, and part of the Land formerly belonging to the said Town of Waltham now in possession of Nathan Fisk, Samuel Pierce and the Heirs of Daniel Warren deceased, to be and remain to the Town of Weston; and that the Bounds above described be the Line between the Towns aforesaid from the said Coal pit bottom to Lincoln Town Line forever hereafter, not to affect private Property. [*Passed June 25.*]

Legislative  
Records of the  
Council, xxvi.,  
219, 280.

Legislative  
Records of the  
Council, xxvi.,  
106, 140, 176, 272.  
House Jour-  
nal, p. 125.

## CHAPTER 57.

RESOLVE CONFIRMING A PLAT OF 1,200 ACRES OF LAND TO COL<sup>o</sup> TAILER'S HEIRS.

THE HEIRS of William Tailer Esq<sup>r</sup> deceased presented to the Court for their allowance Plans of two Tracts of Land laid out in virtue of a Grant of the General Court in June 1765 viz<sup>t</sup> One Tract containing Eight hundred Acres bounded as follows viz<sup>t</sup> beginning at the Northwest corner of Tyringham Equivalent at a Hemlock marked with Stones about it, thence runing N<sup>o</sup> 20 deg<sup>s</sup> East 170 Rods on unappropriated Land to a Beach markt with Stones about it, thence E. 9. deg<sup>s</sup> South 800 Rods on unappropriated Lands to a Stake and Stones on Blanford Line thence on Blanford Line S. 20 deg<sup>s</sup> W. 170 Rods to the Southeast Corner of Tyringham Equivalent to a Beach markt with Stones about it, thence W. 9 deg<sup>s</sup> N. on said Equivalent Line 800 Rods to the first mentioned Bounds, including part of three small Ponds. The other Tract containing four hundred Acres a Pond of about five Acres included, laid out in the County of Berkshire, bounded as follows viz<sup>t</sup> beginning at the East end at a Hemlock Tree markt, with Stones about it, which is the Corner of Furnis's Grant reputed to be, from thence run N. 20 deg<sup>s</sup> E. 80 Rods to a Beach markt with Stones, thence run W. 20 deg<sup>s</sup>

Legislative  
Records of the  
Council, xxvi.,  
283. Mass.  
Archives,  
xlv., 539.

Mass.  
Archives,  
xlv., 588.  
Maps and  
Plans, Mis.,  
xiv., 5. House  
Journal, pp. 97,  
121, 122. *Ante*,  
p. 44, chap. 83.

N 210 Rods on unappropriated Lands to a Hemlock markt with Stones about it, thence turn'd N, 20 deg<sup>s</sup> E. 160 rods to a Hemlock markt with Stones, thence W. 20 deg<sup>s</sup> N. 200 Rods to a Beach markt with Stones about it then S<sup>o</sup> 20 deg<sup>s</sup> W. 240 rods to a Hemlock markt with Stone about it on Granville Line thence on Granville Line E. 20 deg<sup>s</sup> S. 410 Rods to the first mentioned Bounds, one Rod in 20 Sag of Chain.

[Read and]

*Resolved* That the within Plans, One of four hundred Acres of Land bounded Southerly 410 Rods on Granville Line; the other Plan of Eight hundred Acres of Land bounded Southerly eight hundred rods on Tyringham Equivalent be accepted, and hereby is confirmed unto the legal representatives of the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> deceased, their Heirs & Assigns forever in full satisfaction of the Grant of twelve hundred Acres made by this Court to the said Representatives. Provided both said Plans do not exceed the quantity of Twelve hundred Acres nor interfere with any former Grant. [*Passed June 25.*]

## CHAPTER 58.

RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF BRISTOL IN THE DISTRIBUTION OF TWO ESTATES NAMED TO CONSIDER THEM AS ONE.

Legislative  
Records of the  
Council, xxvi.,  
284.

House Jour-  
nal, pp. 118, 123.

A PETITION of Joshua Leonard and Others Heirs of Zephaniah Leonard and Hannah Leonard late of Taunton deceased Intestate Setting forth That the said Hannah died seized of several Tracts of Land given her by her Grand father John King of Raynham. And praying that the Judge of Probate for the County of Bristol may be impowered to order a Division of the said Hannah's Estate to any one or more of said Children, as tho' the said Estate had been given to the said Zephaniah, or he had died seized of the same in his own right

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Judge of Probate for the County of Bristol be, and hereby is authorised in making a distribution of the said Zephaniah and Hannah's Real Estates to consider them as if one Estate only, and after such distribution made, to assign to the several Heirs their respective parts of the same agreeable to the Laws of this Province, relative to the distribution and settlement of Real Estates. [*Passed June 25.*]

## CHAPTER 59.

RESOLVE ALLOWING £1,350 WITH INTEREST TO BENJ<sup>a</sup> HALLOWELL, JR.

Legislative  
Records of the  
Council, xxvi.,  
284. Mass.  
Archives,  
lxxxviii., 190.

A PETITION of Benj<sup>a</sup> Hallowell Esq<sup>r</sup> Setting forth That on the 26<sup>th</sup> of August last his House was violently entered by a considerable number of persons unknown, and among other things then carried off by them, was a Receipt or Prommissary note signed by

the Treasurer of this Province, dated 7<sup>th</sup> August 1764 for the Sum of £1,350 payable to the Petitioner in June 1766, on which is endorsed one years interest and no more. And praying that the said Sum with the Interest that may be due thereon may be paid him out of the Province Treasury.

[Read and]

*Resolved*, that the Prayer of the Petition be granted, and that the Treasurer be & he hereby is directed to pay to the Petitioner (Benjamin Hollowell jun<sup>r</sup>) the Sum of Thirteen hundred and fifty Pounds with the Interest due thereon to this Day in full for the Note within mentioned. he first giving sufficient Caution to the Treasurer of this Province to save harmless the s<sup>d</sup> Province from being obliged to pay the same Sum & y<sup>e</sup> Interest due thereon to any Person or Persons hereafter. [*Passed June 25.*]

Mass.  
Archives,  
lxxxviii., 189.  
House Journal,  
pp. 83, 84,  
121. Province  
Laws, iv., 935,  
note.

## CHAPTER 60.

### RESOLVE IMPOWERING JOSIAH TILTON, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Josiah Tilton of Martha's Vineyard Admin<sup>r</sup> of the Estate of Stephen Look late of Tisbury deceased Setting forth That the deceaseds personal Estate is insufficient to pay his Debts. And praying leave to sell so much of his Real Estate as is requisite for that purpose agreeable to a Certificate herewith present[ed] from the Judge of Probate for Dukes County.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner Josiah Tilton, be and hereby is impowered to make Sale of as much of the Real Estate of the within named Stephen Look deceased as to amount to the Sum of Ninety three pounds to pay the said deceaseds just debts, and the Charges of said Sale, and to make and execute a good deed or deeds to the purchaser thereof, he observing the directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Dukes County, that the money arising by said Sale be applied for the purposes mentioned. [*Passed June 26.*]

Legislative  
Records of the  
Council, xxvi.,  
286.

House Journal,  
pp. 123, 128.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 61.

### RESOLVE IMPOWERING ELIZABETH RIDER, ADM<sup>s</sup>, TO EXECUTE A DEED.

A PETITION of Esther Rider of Douglass Setting forth That her dwelling House hath lately been consumed by Fire, and in it a deed from her Son Joseph Rider since deceased, of the said House, and Land thereto belonging, which deed is not recorded. And praying that her said Son's Widow Elizabeth Rider who administred upon his Estate may be directed to renew the deed of the Premises to the Petitioner.

[Read and]

*Resolved* that the prayer of this petition be granted & that the within named Elizabeth Rider in her Capacity of Administratrix

Legislative  
Records of the  
Council, xxvi.,  
287. Mass.  
Archives, xix.,  
746.

Mass.  
Archives, xix.,  
745. House  
Journal,  
pp. 117, 128.

be and hereby is impowered to make and Execute a good & Sufficient Deed in the Law, unto the Petitioner Esther Rider, of the land mentioned in this petition, And that the same be Confirmed unto the said Petitioner in as Effectual a manner to all intents & purposes, as was before said Deed was Consumed. [*Passed June 26.*]

## CHAPTER 62.

### RESOLVE IMPOWERING W<sup>m</sup> KITTERIDGE, ADM<sup>r</sup>, TO SELL LAND.

Legislative  
Records of the  
Council, xxvi.,  
287.

House Jour-  
nal, pp. 126, 128,  
129, 131. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of William Kitteridge Admin<sup>r</sup> of the Estate of Glode Longon late of Tewksbury deceased Setting forth That he hath already, by order of this Court sold two thirds of the Real Estate of the said deceased for the payment of his just debts, except twelve acres of Land: that the allowance made to the Widow and the small debts still unpaid amount to more than the value of the said, twelve Acres. And praying that he may be impowered to make sale of the said twelve Acres for the purposes aforesaid.

[Read and]

*Resolved* That the prayer of this Petition be granted, and the Petitioner be, and hereby is impowered to make sale of the premises for the most the same will fetch, and make and execute a good deed to the purchaser, he observing the directions of the Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup>, and giving proper caution to the Judge of Probate for the County of Middlesex, that the proceeds arising by said Sale shall be applied so far as shall be necessary to the purposes mentioned in this Petition, and the Overplus, if any be, to be distributed among the Heirs of said deceased, agreeable to the directions of the Law: the said Admin<sup>r</sup> to be accountable to the Judge of Probate for said County for the time being touching his proceedings in the Premises, when thereunto lawfully required. [*Passed June 26.*]

## CHAPTER 63.

### RESOLVE IMPOWERING JOHN TUDOR, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
289.

House Jour-  
nal, pp. 68, 130.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Tudor of Boston Guardian of Mary Sigourney a Minor Setting forth That said Minor in right of her Grandfather James Varney is intituled to one fifteenth part of his Real Estate, part whereof lyes in Boston, and part in Worcester, the whole Apprized at Nineteen pounds; but so situated as to be incapable of a Division, nor is it of any benefit as now circumstanced, to the said Minor. And as she has no other Estate to support herself, Praying that he may be impowered to make Sale of said Estate for the benefit of said Minor.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and is hereby impowered to make Sale of the whole of said Minor's Real Estate therein mentioned for the most the same will fetch, and the monies arising by such Sale to be put to Interest for the benefit of said Minor, and to make and execute a good deed or deeds in Law to the purchasers, he observing the



directions of the Law respecting the Sale of Real Estate by Exec<sup>rs</sup> and Admin<sup>rs</sup> and to give proper caution to the Judge of Probate for the County of Suffolk that the monies be applied for the purposes mentioned. [*Passed June 27.*]

## CHAPTER 64.

RESOLVE WITH STAY OF EXECUTION IMPOWERING CADWALL<sup>DER</sup> FORD TO BRING FORWARD A WRIT OF REVIEW.

ON THE ORDER of this Court of the 6<sup>th</sup> Instant upon the Petition of Cadwallader Ford, [*ante*, p. 117, chap. 5] the following Resolve passed viz<sup>t</sup>

Whereas the foregoing Order of this Court was signed by his Excellency the Governor so late as that the Petitioner had not opportunity to bring forward his Writ of Review to the Superior Court then next to be holden at Falmouth. Therefore

*Resolved* That the Petitioner have liberty to bring forward said Writ to the Superior Court to be holden at Falmouth in the County of Cumberland on the last Tuesday of June 1767; and that the Justices of said Court be, and they hereby are, authorised to try the said Cause, render Judgment and award execution thereon accordingly. And that Execution on the former Judgment be in the meantime stayed. [*Passed June 27.*]

Legislative  
Records of the  
Council, xxvi.,  
290.

House Jour-  
nal, pp. 46, 56,  
136. *Ante*,  
p. 117, chap. 5.

## CHAPTER 65.

ORDER ALLOWING £2. 12. 6 TO CALEB WILDER.

In the House of Representatives.

*Ordered* that the Sum of Two pounds twelve shillings and sixpence be allowed and paid out of the public Treasury to Caleb Wilder Esq<sup>r</sup> for his attendance on this House at their direction.

In Council, Read and Concurred. [*Passed June 27.*]

Legislative  
Records of the  
Council, xxvi.,  
291.

House Jour-  
nal, pp. 133, 136.

## CHAPTER 66.

RESOLVE ALLOWING 40/ ANNUALLY TO GEORGE GIER.

A PETITION of George Gier of Grafton Setting forth That he was a Soldier under Cap<sup>t</sup> Paige in the pay of this Province in 1760, and in his return from Crown point, besides enduring twelve Weeks sickness on the Road, he had the misfortune to freeze both his feet, and thereby lost all his Toes, whereby he is rendered in a great measure unable to support himself. And praying Relief.

[Read and]

*Resolved* that the Prayer of the Petition be Granted & That the Sum of Forty Shillings be Annually paid into the Hands of M<sup>r</sup> Ephraim Sherman out of the Province Treasury to be improved towards the support of the Petitioner till the Further order of this Court. [*Passed June 28.*]

Legislative  
Records of the  
Council, xxvi.,  
295. Mass.  
Archives,  
lxxx., 599.

Mass.  
Archives,  
lxxx., 598.  
House Jour-  
nal, pp. 133, 139.

## CHAPTER 67.

Legislative  
Records of the  
Council, xxvi.,  
296. Mass.  
Archives, civ.,  
404.

House Jour-  
nal, p. 141.  
Province  
Laws, iv., 812,  
chap. 9.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY GOV<sup>T</sup> NOTES  
REDEEMABLE JUNE 1766, WITH INTEREST.

*Ordered* That the Interest On the Government Securities redeem-  
able in June 1766, determine and cease on the 20<sup>th</sup> of July Next,  
the money being Now ready in the Treasury to discharge the Same;  
and that the province Treasurer be & hereby is directed forthwith  
to give Notice thereof in all the publick News papers Accordingly.  
[*Passed June 28.*

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## CHAPTER 68.

RESOLVE ALLOWING AN ARMOURER AT FORT POWNALL.

Legislative  
Records of the  
Council, xxvi.,  
296. Mass.  
Archives, civ.,  
404.

Mass.  
Archives, civ.,  
404.  
Legislative  
Records of the  
Council, xxvi.,  
282, 288. House  
Journal, p. 144.  
*Ante*, p. 128,  
chap. 31.

*Resolved* that there be allowed for Fort Pownal an Armourer, and  
that He be paid One pound, ten shillings  $\text{p}$  Month for his Service  
for one year. [*Passed June 28.*

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## CHAPTER 69.

RESOLVE ALLOWING THE ACC<sup>O</sup> OF IND<sup>N</sup> TRADE OF THE COMMISSARY  
GENERAL.

Legislative  
Records of the  
Council, xxvi.,  
297. Mass.  
Archives, civ.,  
404.

Legislative  
Records of the  
Council, xxvi.,  
204. House  
Journal, pp. 15,  
39, 144.

THE COMMITTEE's severally appointed by the two Houses to ex-  
amine the Commissary General's Accounts, having reported that they  
had examined the same, and found them right cast and well vouched,  
the following Orders passed on them severally viz<sup>t</sup>

*Resolved* That the Acc<sup>t</sup> be Allow'd and that the Commissary Gen<sup>l</sup>  
be Accountable for to the province for the ballance being Three  
thousand & fifty five pounds Seven Shillings & Eight pence Three  
farthings. [*Passed June 28.*

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## CHAPTER 70.

RESOLVE ALLOWING THE PROVISION ACC<sup>O</sup> OF THE COMMISSARY  
GENERAL.

Legislative  
Records of the  
Council, xxvi.,  
297.

House Jour-  
nal, pp. 15, 144.  
*Supra*, chap.  
69.

ON THE COMMISSARY GENERAL'S ACCOUNT of Provisions pur-  
chased by him and issued. The Report read and accepted: And  
thereupon

*Resolved* That the said Account be allowed, and that the twenty  
nine barrels of Pork, two Barrels of Beef,  $6\frac{1}{4}$  bush<sup>ls</sup> of Peas, the  
Commissary General be further accountable for to this Province.  
[*Passed June 28.*

## CHAPTER 71.

### RESOLVE ALLOWING THE GENERAL ACCOUNT OF THE COMMISSARY GENERAL.

ON THE COMMISSARY GENERAL'S ACCOUNT current.

The Report was read and accepted; and thereupon

*Resolved* that the Commissary General be further accountable for the balance being Seventy seven pounds, nineteen shillings and nine pence. [*Passed June 28.*]

Legislative  
Records of the  
Council, xxvi.,  
297.

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House Jour-  
nal, pp. 16, 144.  
*Supra*, chap.  
70.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF OCTOBER, A.D. 1766.

## CHAPTER 72.

## RESOLVE ADJOURNING THE COURTS OF WORCESTER COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
301.

House Jour-  
nal, pp. 148, 149.  
Province  
Laws, iii., 64,  
chap. 32; v.,  
66, note.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be holden at Worcester for the County of Worcester on the first Tuesday of November next, and sundry of the Justices of said Courts, and other persons who are concerned in business there, are Members of the General Court; and the important Affairs of the Province now depending, require their attendance: Wherefore

*Resolved* that the said Court of General Sessions of the peace, and Inferior Court of Common pleas which by Law are to be holden at Worcester aforesaid on the said first Tuesday in November, be and hereby are Adjourned to the first Tuesday in January next, to be holden at the Court House in said Town of Worcester at ten o'Clock on said day. And all pleas Writs Actions, Suits, Complaints, processes, Precepts, Recognizances and other matters or things whatsoever, returnable & having day of<sup>1</sup> days in the said Courts, shall stand, abide and continue unto the said Adjournment, and be held, deemed & adjudged to be [as]<sup>2</sup> good, effectual and available in Law to all intents and purposes whatsoever, as if such Courts had been held & kept on the day by Law for holding the same, and no Adjournment thereof had been made. [*Passed October 29.*]

## CHAPTER 73.

RESOLVE ALLOWING THE ACCOUNT OF THE TREAS<sup>r</sup> OF YORK COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
305.

House Jour-  
nal, pp. 14, 163.

THE ACCOUNT of Daniel Moulton Treasurer for the County of York for the Year 1765 being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Account (being right cast and well vouched) be allowed: And that the Treasurer be discharged of the Sum of One hundred and thirty six pounds, two shillings & ten pence three farthings And that the balance due to the said Treasurer being one pound seventeen shillings and three pence one farthing the County be further accountable to him for. [*Passed November 3.*]

<sup>1</sup> *Sic.*

<sup>2</sup> Inserted from the House Journal, p. 149.

## CHAPTER 74.

## RESOLVE IMPOWERING THE TOWN OF POWNALBORO TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of Jonathan Williamson and Others a Committee of the Town of Pownalborough Setting forth That the said Town at their annual March Meeting in 1765 agreed to give two shillings in the pound to any two Men that would agree to collect the Taxes of that year, and give security therefor. Whereupon Job Averel and Obadiah Call offered themselves and were Accepted; but said Call being not legally warned to take the Oath of Office, did afterwards when the assessors offered him the Rate Bills, refuse to take them, and they are not now by Law enabled to choose another Collector. Therefore praying that this Court could enable them now to choose another Collector in the room of said Call, or otherwise relieve them.

[Read and]

*Resolved* that the prayer of this Petition be so far granted, as that the Town of Pownalborough be, and are hereby empowered, being legally assembled for that purpose, to choose a Collector to Collect the Taxes that should have been Collected the last year on the Western side of the said Pownalborough, the time for choosing Town officers being elapsed notwithstanding. [*Passed November 4.*]

Legislative  
Records of the  
Council, xxvi.,  
307.

House Jour-  
nal, pp. 58, 89,  
98, 105, 153, 166.  
Province  
Laws, iv., 866,  
note.

## CHAPTER 75.

## RESOLVE IMPOWERING PHILLIP TURNER AND RUTH WING, GUARDIANS, TO CONVEY REAL ESTATE UNDER CERTAIN CONDITIONS.

A PETITION of Butler Wing of Wareham Yeoman & Father of Clifton Wing late of Rochester deceased, of Phillip Turner of said Rochester Guardian to two of the Sons of the said Clifton and of Ruth Wing of said Wareham Widow of said Clifton and Guardian of his only daughter Setting forth That on the 15<sup>th</sup> of October 1762 and on the 8<sup>th</sup> of November 1764 the said Butler gave to his said Son Clifton Deeds of Sale of those dates; and the said Butler still remains seized of a certain Messuage Lands and Meadows and Buildings thereon situate in Rochester in Sippecan Great Neck so called which he agrees to Exchange for what is contained in the two Deeds aforesaid. And praying the Interposition of this Court to make the said Exchange valid.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the said Phillip Turner and Ruth Wing in their said Capacity, be, and accordingly are hereby empowered to convey to the said Butler Wing all the Right, Title and Interest the said Children have in the Lands the said Clifton Wing their Father deceased was Seized of at the time of his Death as mentioned in said Petition, and execute a good Deed thereof accordingly. Always provided that the said Butler Wing shall first make and execute a deed in fee to the said three Children of all the Lands and appurtenances he now owns in the Great Neck in Rochester to be by them inherited as if their said

Legislative  
Records of the  
Council, xxvi.,  
308.

House Jour-  
nal, pp. 152, 153,  
166.

Father had died seized of said Estate intestate: And provided always that the said Ruth Wing the Widow shall hold a Right of Dower in the same Lands and Buildings during her natural life, which the said Butler Wing shall so convey, as if her said Husband had died seized of the same in fee Simple. [*Passed November 5.*]

## CHAPTER 76.

### ORDER ALLOWING £8 ANNUALLY TO WILL<sup>m</sup> SNELL.

Legislative  
Records of the  
Council, xxvi.,  
310. Mass.  
Archives,  
lxxx., 622.

Mass.  
Archives,  
lxxx., 621.  
House Jour-  
nal, pp. 165, 169.  
Province  
Laws, xvii.,  
442, chap. 148.

A PETITION of William Snell of Bridgewater Setting forth That he hath for several years during the late War served his King and Country, and had laid up Money; but that in his return from Newfoundland in 1762 where he had served under Col<sup>o</sup> Amherst at the Reduction of S<sup>t</sup> John's, he was cast away at Cape Sables from whence he came home Sick, and was confined to his Bed for seven months, and hath finally almost lost the use of both his Legs, and spent the most of his substance. That upon representation of his case to the Court, they were pleased to allow him Seven pounds a year for three years; And praying for further Relief.

Read &

*Orderd* that the Petitioner be allowd a Pension out of the Publick Treasury of Eight Pounds annually till the further Order of this Court the first Payment to commence the 30<sup>th</sup> Day of Dec<sup>r</sup> next. [*Passed November 5.*]

## CHAPTER 77.

### RESOLVE ALLOWING £8. 12 TO ISAAC BULLARD, EXECUTOR.

Legislative  
Records of the  
Council, xxvi.,  
310. Mass.  
Archives, cv.,  
636.

Mass.  
Archives, cv.,  
635. House  
Journal,  
pp. 160, 161, 173.

A PETITION of Isaac Bullard of Dedham Setting forth That one William Finley a North Briton who had been a Soldier in the pay of the Province in Col<sup>o</sup> Ingersoll's Regiment A D 1762 died at Crown point in October the same Year, and by his last Will and Testament appointed the Petitioner his Executor, and after devising sundry small Legacies, bequeathed the Residue of his Estate to a Woman in said Town who had Nursed him in a former Sickness. That he had Eight pounds, twelve shillings due to him on Cap<sup>t</sup> Elisha Turner's Muster Roll, which the petitioner applied for at the Treasury, but was told the same had been paid upon an Order to one who took upon himself the name of John Finley and assuming relation of Brother to the deceased. That the said deceased had no Relation in North America, & the said Order evidently appears to be forged. And praying relief.

[Read and]

*Resolved* that the Prayer of this Petition be so far Granted that there be allowed & Paid out of the Publick Treasury to the Petitioner the Wages Due to William Finley on Capt Elisha Turners Muster Roll, being Eight pounds & Twelve Shillings for the Purposes mentioned in the said William's last Will & Testament. [*Passed November 5.*]



## CHAPTER 78.

## RESOLVE IMPOWERING THE TOWN OF FREETOWN TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of the Selectmen and Assessors of the Town of Freetown Setting forth That one William Terry was chosen Constable in the year 1765 and Sworn accordingly, but before he had collected any part of the Taxes which were committed to him, the same amounting to £90.4.8 he removed out of Town and as they have no legal power to choose any person to collect the said Sum, Praying that they may be empowered by this Court for that purpose.

[Read and]

*Resolved* that the prayer of the Petition be granted: and that the Town of Freetown, be, and hereby are empowered, being legally assembled for that purpose to choose a Collector to collect the Sum of Ninety pounds, four shillings and eight pence, which was the Sum apportioned to William Terry of said Freetown, who was chosen one of the Constables of said Town the last year; the said William Terry having removed out of the Province. [*Passed November 5.*]

Legislative  
Records of the  
Council, xxvi.,  
311.

House Journal,  
pp. 167, 172.  
Province  
Laws, iv., 866,  
note.

## CHAPTER 79.

## ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £262,045. 9. 4.

THE COMMITTEE appointed to repair to the Treasurers & take an Account of the Government Securities in his hands and see them burnt and Consumed to Ashes, have attended that Service and have received of M<sup>r</sup> Treasurer Gray Government Securities payable in June 1765 of the old form Eighteen thousand, eight hundred, sixty nine pounds, thirteen shillings and ten pence; the Interest paid thereon thirteen hundred and seven pounds, fourteen shillings and three pence, makes Twenty thousand One hundred, seventy seven pounds, eight shillings and one penny. Also Government Securities payable in June 1765 of the new form Twenty thousand, two hundred, seventy one pounds; the Interest paid thereon Eleven hundred, eighty two pounds, eight shillings and five pence makes Twenty one thousand, four hundred fifty three pounds, eight shillings and five pence. Also Government Securities payable in June 1764 new form Two hundred forty nine pounds, the Interest paid thereon twenty one pounds, three shillings and one penny, makes Two hundred and seventy pounds, three shillings and one penny. Also Government securities payable in June 1764 old form, Seventy seven pounds; the Interest paid thereon Six pounds, eleven shillings and six pence, makes Eighty three pounds, eleven shillings and six pence. Also Government Securities payable in June 1766 Two hundred and seven thousand, five hundred, sixty two pounds; the Interest paid thereon Twelve thousand, four hundred ninety eight pounds, eighteen shillings and three pence, makes Two hundred twenty thousand and

Legislative  
Records of the  
Council, xxvi.,  
305. Mass.  
Archives, civ.,  
406.

Mass.  
Archives, civ.,  
405. House  
Journal,  
pp. 114, 126,  
167. *Ante*,  
p. 135, chap. 44.

sixty pounds, eighteen shillings and three pence. All which notes amount to Two hundred, sixty two thousand and forty five pounds, nine shillings and four pence, which we have seen burnt and consumed to Ashes.

Signed THO<sup>s</sup> HUBBARD p Order

Read &

*Ordered* that this Report be accepted & that the Treasurer be discharge[d] of the Sum of Two hundred Sixty two Thousand & forty five Pounds Nine Shillings & four pence accordingly. [*Passed November 7.*]

## CHAPTER 80.

RESOLVE CONFIRMING THE PROCEEDINGS AT THE MEETINGS OF THE PROPRIETORS OF BAKERS TOWN.

Legislative  
Records of the  
Council, xxvi.,  
313.

House Jour-  
nal, pp. 164, 171,  
172, 179. *Ante*,  
p. 58, chap. 109.

WHEREAS Bakers Town so called by the late running the Line between this Province and New Hampshire fell within the bounds of New Hampshire; and the several Meetings of the Proprietors of said Bakers Town and their Resolves and Votes passed at their Meetings called in order to get a Township granted in the lieu of that lost, and for laying out the same for getting the same Confirmed may be called in question

*Resolved* that the Meetings of the said Proprietors referred to in the said Petition with the several matters and things therein transacted shall (if otherwise regular) be deemed and accounted valid to all intents and purposes; any defect in the manner of calling or obtaining said Meetings notwithstanding. [*Passed November 7.*]<sup>1</sup>

## CHAPTER 81.

RESOLVE DIRECTING THE TOWN OF FALMOUTH AND DISTRICT OF CAPE ELIZABETH TO ASSESS AND COLLECT TAXES AND PREPARE A TRUE AND PERFECT LIST OF RATEABLE ESTATES.

Legislative  
Records of the  
Council, xxvi.,  
314.

House Jour-  
nal, pp. 171, 180.  
Province  
Laws, iv., 828,  
chap. 18; 838,  
chap. 25; 866,  
note.

WHEREAS since the passing of the last Tax Act, a part of the Town of Falmouth in the County of Cumberland has been erected into a District by the name of Cape Elizabeth, but no rule or method has been since prescribed for assessing the Inhabitants and Estates in said Town and District respectively their proportion of the public Taxes.

*Resolved* that the said Town and District shall and do in conjunction Assess the rateable Inhabitants and Estates of both according to the rules prefixed and set by the last Tax Bill for the making Public Taxes, and commit the same to the several Constables and Collectors of the said Town and District to be by them severally collected and paid into the Province Treasury according as they shall receive the Treasurers Warrant, which they are hereby enjoined to do, and the said Assessors are hereby respectively directed and enjoined to Return to this Court a true and perfect List of the Poles and Estates by Law rateable to the public Taxes at their next Ses-

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is November 6.

sion in order to the said Courts making a proper Order for their being hereafter severally Taxed by their several Assessors. [*Passed November 7.*]

## CHAPTER 82.

### RESOLVE APPOINTING A COMMITTEE TO SELL THE MANUFACTORY HOUSE.

In the House of Representatives.

*Resolved* that Cap<sup>t</sup> Sheaffe and M<sup>r</sup> Dexter with such as the Hon<sup>ble</sup> Board shall join be a Committee to make Sale of the House commonly called the Manufactory House with the Land thereto belonging; and that the same be sold at public Auction to the highest bidder: That the time of Sale be advertised in three of the Boston News papers three Weeks successively: That it be a direction to the Committee not to set up the premises at a less Sum than Twelve hundred pounds and that the said Committee be, and they are hereby empowered to give a good and sufficient deed or deeds of said House and Land to any person, or persons who may purchase the same; He or they giving good security for the purchase Money to be paid in one year with lawful Interest. And in case no purchaser appear said Committee to make some necessary repairs and agree with the persons who now occupy the same, or with others who may incline to hire it. The said Committee to make Report at the next Session of this Court.

In Council, Read and Concurred, and Thomas Hubbard Esq<sup>r</sup> is joined in the affair. [*Passed November 7.*]

Legislative  
Records of the  
Council, xxvi.,  
315.

House Jour-  
nal, pp. 164, 175,  
178. *Ante*,  
p. 104, chap.  
218.

## CHAPTER 83.

### RESOLVE CONFIRMING THE PROCEEDINGS AT THE MEETINGS OF THE TOWN OF DANVERS.

A PETITION of Archelaus Dale and Others in behalf of the Town<sup>1</sup> of Danvers Setting forth That the Annual and other Town Meetings in said place have not been warned by a Constable of the Town as the Law directs, but by notifications signed by the Town Clerk being posted up at both the meeting Houses whereby the several Town Officers chosen at such meetings may be exposed to difficulties and hazard, and the doings of said Town in time past may be called in question. And praying that a Sanction may be given to the doings in such Town Meetings as if they had been warned according to Law.

[Read and]

*Resolved* that the prayer of this Petition be so far granted, as that the Meetings of said Town therein referred to, and all the proceedings had thereon, be, and shall remain good and valid to all intents and purposes as fully and amply, as if said Meetings had been warned agreeable to Law. [*Passed November 7.*]

Legislative  
Records of the  
Council, xxvi.,  
315.

House Jour-  
nal, pp. 61, 78,  
157, 177.

<sup>1</sup> *Sic* for District. See Province Laws, iv., 5, chap. 1; Manual for the General Court, 191, p. 114.

## CHAPTER 84.

## RESOLVE CONFIRMING THE VOTE OF THE PROPRIETORS OF WINCHENDON LEVYING A TAX OF ONE PENNY PER ACRE FOR ONE YEAR.

Legislative  
Records of the  
Council, xxvi.,  
315.

House Jour-  
nal, pp. 174, 175,  
180, 181. Prov-  
ince Laws, v.,  
63, note.

A PETITION of Thomas Wilder in behalf of the Proprietors of the Town of Winchendon Setting forth That at a legal Meeting of the said Proprietors on the 4<sup>th</sup> June last held at said Winchendon, they did agree and Vote that a Tax of one penny  $\phi$  Acre should be raised upon all the Lands allotted out: and that the Petitioner should wait on this Court for their Sanction to said Vote. And praying that the said Proprietors may be enabled to Assess and collect said Tax in order to enable them to pay the Debts they have contracted for supporting the public Worship and defreying other charges contracted before the Town was Incorporated.

[Read and]

*Resolved* that the prayer of the Petition be so far granted that the Tax of one penny  $\phi$  Acre for one year voted by the proprietors of the said Winchendon the fourth day of June last, be, and hereby is confirmed: And that the Assessors or Constables or Collectors in said Winchendon are hereby respectively authorised and impowered to assess and Collect the same. [*Passed November 7.*]

## CHAPTER 85.

RESOLVE IMPOWERING PETER CHARDON, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
316.

Mass.  
Archives, ix.,  
451. House  
Journal,  
pp. 170, 181.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Peter Chardon Esq<sup>r</sup> of Boston Admin<sup>r</sup> of the Estate of Nathaniel Cunningham late of Boston dec<sup>d</sup> Setting forth That two Negro Servants belonging to the Estate of said Nathaniel, have by reason of age and Infirmities been for a considerable time past supported by the Town of Cambridge, upon whom said Negros were left; and that the Petitioner hath no personal Estate of the said deceased in his hands to defrey the said expence: Therefore praying that he may be impowered to sell part of the Real Estate of said Nathaniel to the amount of One hundred pounds for defreying the Charges of said Negros, and discharging what other Debts are due therefrom.

[Read and]

*Resolved* that the prayer of this Petition be granted, and the said Admin<sup>r</sup> in his capacity be, and he is hereby impowered to make sale of so much of said Cunningham's Real Estate as shall amount to the Sum of One hundred pounds, where it shall be least prejudicial to the remainder of said Estate, and make and execute a good Deed in Law to the purchaser of the same, that the moneys arising by such Sale be applied to the purposes mentioned in this Petition, he observing the directions of the Law for the Sale of Real Estate by Executors and Administrators. [*Passed November 7.*]

## CHAPTER 86.

RESOLVE LIBERATING DAV<sup>D</sup> SIMMONS FROM GOAL AND RE-ASSESSING THE TOWN OF MIDDLEBOROUGH.

A PETITION of David Simmons of Middleborough, a Prisoner in Plymouth Goal on an Execution from the Province Treasurer for the Taxes assessed on the said Town for 1762 committed to him to collect. praying for relief,

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the said David Simmons be liberated accordingly, he paying Prison Fees. Provided he stands committed on no other Suit than that mentioned in said Petition, and that the Town of middleborough be reassessed the Sum of £68.4.6 by having said Sum added to their proportion of the Province Tax in the next Province Assessment. Provided that nothing in this Resolve be construed to extend to deprive the Town of Middleborough of any legal recourse to the Petitioner for the Recovery of the aforementioned Sum. [*Passed November 7.*]

Legislative  
Records of the  
Council, xxvi.,  
317.

Legislative  
Records of the  
Council, xxvi.,  
281. House  
Journal, pp. 81,  
85, 113, 116, 172,  
174.

## CHAPTER 87.

RESOLVE IMPOWERING LYDIA NEGUS, ADM<sup>S</sup>, TO EXECUTE A DEED AND MARY NEGUS, ADM<sup>S</sup>, TO SELL REAL ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Negus Admin<sup>s</sup> of the Estate of Henry Negus late of Dartmouth deceased Setting forth That the said Henry with his Brother Jonathan Negus purchased about one Acre of Land in said Dartmouth of one Noah Allen, to be holden in severalty, the Deed thereof was given by the said Allen to the said Jonathan, who was to have given a Deed of the one half to his Brother Henry, but died without executing the same whereupon the said Henry preferred a Petition to this Court in 1765 praying that Lydia Negus admin<sup>s</sup> of the said deceaseds Estate might be empowered to convey the said half Acre to him the said Henry who was empowered by said Court accordingly; but the said Henry also died before such deed was executed, and died Insolvent. Therefore praying that the said Lydia may be empowered to make a Conveyance of the said half Acre of Land to her the said Mary, and that she may be empowered to sell the same for the benefit of the Creditors of the said Henry.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the said Lydia Negus in her Capacity of Administratrix on the Estate of her late Husband Jonathan Negus, be, and hereby is empowered to execute a good Deed in Law of the half Acre of Land mentioned in the Petition to the Petitioner in her capacity of Admin<sup>s</sup>, and that the Petitioner in her said capacity be, and hereby is empowered to make Sale of the said half Acre of Land, together with the fee of the residue of her late Husband the said Henry Negus's Real Estate (her Dower therein being first set off according to Law) and to execute a good and sufficient deed or deeds in Law

Legislative  
Records of the  
Council, xxvi.,  
317.

House Journal, pp. 151, 152,  
181. Province  
Laws, ii., 151,  
chap. 10; xvii.,  
583, chap. 164.  
*Ante*, p. 117,  
chap. 7.



of the same, She observing the directions of the Law respecting the Sale of Intestate Estates, the proceeds of said Sale to be applied for the use of said Henry's Creditors. [*Passed November 8.*]

## CHAPTER 88.

### RESOLVE IMPOWERING THOMAS GRAY, ADM<sup>r</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
318.

House Jour-  
nal, pp. 151, 187.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Thomas Gray admin<sup>r</sup> of the Estate of Elizabeth Ridgway Setting forth That the said Elizabeth [was] declared Bankrupt, and soon after died: that at the request of the Creditors the Petitioner was appointed Admin<sup>r</sup>, and hath since paid them five shillings in the pound, That the said Elizabeth died seized of a Brick House in Cornhill which is under Mortgage, besides which there is but little Estate remaining. And praying that he may be impowered to make Sale of the said House in order, after discharging the said Mortgage to apply the residue towards payment of the said deceaseds debts.

[Read and]

*Resolved* that the prayer of the Petition be granted: and that the Petitioner be, & hereby is impowered in his capacity of Admin<sup>r</sup> to make sale of the House mentioned in the Petition, and execute a good deed in Law of the same, the proceeds of said Sale to be applied for the purposes mentioned in the Petition, he giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds shall be applied to the purposes mentioned in the Petition. [*Passed November 10.*]

## CHAPTER 89.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF MARTHA LUTHER.

Legislative  
Records of the  
Council, xxvi.,  
319.

House Jour-  
nal, pp. 166, 167,  
187, 188.

A PETITION of Martha Luther of Swanzey Setting forth That in July 1765 She was sued to appear at the Inferior Court to be holden at Taunton in August then next after as Agent & Trustee to Josiah Chase to answer to Samuel Chase in a plea of the case for the Sum of £33.5.6. That the said Action was continued, the said Josiah being then at Sea, that when he returned he declared that he owed the said Samuel nothing, and afterwards went to Sea again with the said Samuel. That in August 1766 the Action was called at Court and went against her by default. She being then Sick, and unhappily forgetting the Case then depending. And praying liberty to answer and plead thereto at the next Inferior Court to be holden at Taunton aforesaid.

Read and

*Ordered* that the prayer of this Petition be so far granted, as that the Petitioner notify Samuel Chase the adverse party by serving him with a Copy of this Petition, that he shew cause, if any he hath, on the second Wednesday of the next sitting of this Court, why the prayer thereof should not be granted, and that Execution mentioned herein be stayed in the meantime. [*Passed November 10.*]



## CHAPTER 90.

RESOLVE IMPOWERING PHILLIP AND JEMIMA KING, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Philip King of Taunton and Jemima his Wife, which Jemima was the relict Widow of John Paddleford late of Taunton and sole Executrix of his last Will and Guardian to his three Children, two Sons and a daughter Setting forth That after the decease of the said John, she agreeable to the inclination of the eldest Son John, and the advice of his friends sent him to Yale College for education where he has continued two years: That the other Son Seth of about 15 years of age met with a wound in his Arm about four years since whereby he hath almost lost the use of it, and is thereby rendered in a great measure unfit for any manuel labour, which hath induced her at her own expence to fit him also for the College; but being unable to bear the charge of her two Sons education. Therefore prays that she may be enabled to make Sale of their respective shares of the deceaseds Real Estate for the said purpose.

[Read and]

*Resolv'd* that the Prayer of the within Petition be so far granted as that the said Petitioners Philip & Jemima as the said Jemima is Guardian to the said John & Seth be and are hereby empowered to make Sale of so much of the Real Estate of the said John & Seth (where it will be lest prejudicial to the remainder of said Estate) to the amount of one hundred & Thirty pounds and to make and Execute a good & sufficient Deed or deeds of the same to the purchaser or purchasers their heirs & assigns they observing the Direction of the Law respecting the sale of real Estates by Exec<sup>rs</sup> & adm<sup>rs</sup> the money arising by said Sale to be apply'd to the purposes within mentioned in proportion to the right they have in said Land so Sold the Pet<sup>r</sup> Jemima giving sufficient Caution to the Judge of Probate for the County of Bristol to apply said money to the purposes aforementioned. [*Passed November 11.*]

Legislative  
Records of the  
Council, xxvi.,  
319. Mass.  
Archives, xix.,  
763.

Mass.  
Archives, xix.,  
762. House  
Journal,  
pp. 181, 182, 189.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 91.

RESOLVE CONFIRMING TO NATHAN AND ELISHA JONES AND JOHN MURRAY TOWNSHIP N<sup>o</sup> 1 IN BERKSHIRE COUNTY.

A PETITION of Nathan Jones, Elisha Jones & John Murray Setting forth That they are equally interested in a new Township in the County of Berkshire called Number one or East Hoosuck, sold by this Province in June 1762 to the said Nathan; that they have admitted many Settlers, and others appear to purchase, but as they have no Grant from the Government there are difficulties in giving deeds. And praying that this Court would make a Grant of said Township to them, and their Associates, their Heirs and Assigns they performing the conditions of Settlement enjoined by the General Court at the time of Sale.

[Read and]

*Resolved* That the Township mentioned in the within Petition

Legislative  
Records of the  
Council, xxvi.,  
320.

House Jour-  
nal, pp. 79, 80,  
127, 164, 185.  
Province  
Laws, xvii.,  
242, chap. 50.

bounded and described as in the original Sale thereof, be granted and confirmed to the Petitioners, their Heirs and assigns forever, excepting what Land within said Boundaries has been granted to any other person, they completing the Settlement thereon originally enjoined by the General Court. [*Passed November 11.*]

## CHAPTER 92.

RESOLVE IMPOWERING THE ASSESSORS OF THE TOWN OF WARWICK TO ASSESS ALL DELINQUENT PROPRIETORS AT ONE PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xxvi.,  
322.

Legislative  
Records of the  
Council, xxvi.,  
175. House  
Journal, pp. 91,  
108, 141, 182, 193,  
194.

A PETITION of James Ball Agent for the Town of Warwick in the County of Hampshire praying for a Tax on the Lands of the delinquent proprietors,

[Read and]

*Resolved* that the prayer of the Petition be so far granted as that the Assessors of said Town be and are hereby authorised and empowered for the term of three years next Ensuing to assess all delinquent proprietors within said Township at one penny ~~per~~ Acre who have not complied with the Injunctions of the General Court respecting the Settlement of said Township, and likewise to Assess a Farm in said Township of four hundred Acres called Field's Farm during the pleasure of the General Court, until it shall appear they have done their duty by settling one Family in said Township for each respective right, as also one Family on said Farm. And to commit said assessment for collection to such Collectors as may from time to time be appointed for the Collection of other Taxes in said Town, and in want of Goods and Chattels whereon to make distress within said Township, the assessors who make the Tax are hereby directed to notify for Sale so much and no more of each delinquent proprietors Land as they upon their Oaths shall judge necessary for the payment of said Tax and the charges arising thereon by posting up all such assessments within the Town of Warwick, as also in the shire Town of the County of Hampshire, and advertising the same in one or more of the Boston News papers three Months before the said Sale, to sell the same to the highest bidder, and make and execute a good Deed or deeds of the same. And if it happen that said Land so appraised sell for more than may be sufficient to pay the Assessment and Charges, the Overplus shall be returned to the owners of said Land. [*Passed November 12.*]

## CHAPTER 93.

RESOLVE WITH STAY OF EXECUTION IMPOWERING EDMUND QUINCY, JR., TO APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council, xxvi.,  
311, 323.

House Jour-  
nal, pp. 175, 176,  
195, 196.

A PETITION of Henry Quincy of Boston Setting forth That John Greateon jun<sup>r</sup> of Roxbury purchased a Writ against him for the Sum of Eighteen pounds for the Rent of a House in Boston to the 25<sup>th</sup> January last, and laid his damages in said Writ at Thirty pounds, which Action was carried up to the Superior Court held at Boston in August last by demurrer and it so happened that Judgment was made up for the Sum of Thirty pounds and Costs, when

in fact there was no more due than Eighteen pounds, and Execution is now out for the Sum recovered. And praying Relief.

[Read and]

*Resolved* that the prayer of Henry Quincy be so far granted as that Edmund Quincy jun<sup>r</sup> be and hereby is impowered to enter his Appeal from a Judgment obtained against him by John Greaton jun<sup>r</sup> at the Inferior Court of Common pleas holden at Boston on the third Tuesday of April last any default in him to the contrary notwithstanding, at the next Superior Court of Judicature &c to be holden at Boston on the second Tuesday of March next; He giving the said John seven day's notice at least of the same before the sitting of said Superior Court: And that the said Edmund be entitled to the same advantages as he would have been intitled to, had he entered his Appeal at the last Superior Court of Judicature &c held at Boston on the last Tuesday of August last. And that the said Superior Court be, and hereby are fully authorised and impowered to hear and determine the same, enter up Judgment and award execution thereon accordingly. And if it shall appear to said Court by the declaration in the Writ, the said John Greaton v<sup>s</sup> Quincy that Eighteen pounds, & no more when Judgment was entered up, was then legally due and owing from the said Quincy to the said Greaton upon the Lease mentioned in the Inferior Court's Judgment, and that the said Quincy hath & doth tender to the said Greaton the same with Costs of Suit to this time, and the said Greaton doth not accept the same in full discharge of the Execution, that the said Edmund shall be allowed Costs of the same Court, and that upon the said Edmund's paying to the said Greaton or unto the officer who hath or may have the execution against the said Edmund Eighteen pounds & Costs of Courts, and the officers fees, that said execution be stayed in the mean while. [*Passed November 12.*]

## CHAPTER 94.

### RESOLVE CONFIRMING AN ORDER OF THE SUPERIOR COURT AND IMPOWERING MOSES PARSONS, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Moses Parsons Guardian to Obadiah Parsons a Minor. Setting forth That Jonathan Parsons Father of the said Minor deceased, did by his last Will and Testament order that his Son should have a liberal Education, and that in case his personal Estate should not be sufficient for the purpose that all his Real Estate should be sold to effect it, one Farm excepted. That upon application to the Superior Court held at Ipswich for the County of Essex in June 1764 he obtained an Order for selling to the amount of £120 which Sum being insufficient he again applied to the said Court held at Salem on the first Tuesday of this Instant for a further power to sell; but the said Court now question their authority in the case, and have advised him to apply to this Court, as well to confirm the Sale made by their former order, as to empower him to make such further Sales as may be found necessary. And praying that he may be impowered accordingly, and that the former Sales may be established and confirmed.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the

Legislative  
Records of the  
Council, xxvi.,  
324.

Mass.  
Archives, xix.,  
764. House  
Journal,  
pp. 190, 196, 197.

Order of the Superior Court as mentioned in said Petition is hereby declared to be good and valid in Law to all Intents and purposes, and that the several Sales & Deeds given of Lands and Real Estate be good and valid in Law likewise: And also that the said Petitioner in his capacity as Guardian is hereby impowered to make Sale of the Real Estate of said Minor to the value of One hundred pounds to be applied for the discharging of the Debt already arisen in his support and Education as mentioned in said Petition, and for the purposes within further mentioned in said Petition where it can be with least prejudice to the whole, to execute a good deed or deeds of the same, and be accountable to the Judge of Probate for said County. [*Passed November 12.*]

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## CHAPTER 95.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SAM<sup>l</sup> BLODGET FOR THE RE-HEARING OF AN ACTION.

Legislative  
Records of the  
Council, xxvi.,  
325. Mass.  
Archives,  
lxxx., 620.

Mass.  
Archives,  
lxxx., 617.  
House Jour-  
nal, pp. 172, 196.

A PETITION of Samuel Blodget of Boston Setting forth That in the year 1758 He was Quarter Master and Sutler to Col<sup>o</sup> Nichols's Regiment, and had supplied one Seth Willis of Easton with Cloathing to the amount of Thirty eight shillings for which he took the said Willis's Note of hand who refusing payment, the Petitioner sued the said note before M<sup>r</sup> Justice Story but not knowing when the Trial would come on, he went out of Town carrying the Note with him, by means whereof he was cast whereupon his Attorney appealed to the Inferior Court of Common pleas held at Boston in January 1765 which Action was continued to July last, when in the absence of the Petitioner the case was brought on, and the Jury going upon a mistaken Fact gave the cause for said Willis, at which time also were suggested some things to the prejudice of the Petitioners Character. And praying that this Court would afford him a Committee to hear and report upon this his Complaint; and that he may have a new Trial of the Cause.

[Read and]

*Orderd* that the Petitioner serve Seth Willis with a Copy of this Petition that he may shew Cause if any he has on the second Wensday of the next Sitting of this Court why the Prayer thereof should not be granted & that Execution be staid in the mean time. [*Passed November 12.*]

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## CHAPTER 96.

### RESOLVE DIRECTING THE COMMISSARY GENERAL TO PURCHASE BRASS CANNON.

Legislative  
Records of the  
Council, xxvi.,  
325. Mass.  
Archives,  
lxxx., 615.

Mass.  
Archives,  
lxxx., 614.  
House Jour-  
nal, pp. 197, 198.

A PETITION of Joseph Jackson Esq<sup>r</sup> and other Officers of the Regiment of the Militia in the Town of Boston Setting forth That there are several Brass Field pieces now in Boston which may be purchased at the price of old Brass, and as the Train of Artillery belonging to said Regiment now consists of four Field pieces of Iron praying that this Court would give Orders for purchasing the said Brass pieces for the use of the said Regiment instead of those of Iron beforementioned.

[Read and]

*Resolved* that the Prayer of the within Petition be granted & that the Commissary General be directed to make the Purchase of four of the brass Cannon mentiond for the Use of this Province in the Train of Artillery in Boston. [*Passed November 12.*]

## CHAPTER 97.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN KINGSLEY FOR THE RE-HEARING OF AN ACTION.

A PETITION of John Kingsly of Rehoboth Setting forth That at the Superior Court for the County of Bristol held at Taunton in May last, Walter Hail of Warren brought his Action against the Petitioner upon his Bond dated in December 1764 conditioned for the payment of £2,647 Bills of Credit of Rhode Island of the old Tenor with Interest or in Dollars at the Rate of 56/ each, and the said Action was carried up by demurrer to the Superior Court held at Taunton in October last, when the Petitioner being absent by reason of Illness & his attorney obliged to be at Boston Judgment went against him by default for £315 lawful money damage, which is in fact three times as much as the Petitioner owed, and will prove his utter ruin unless relieved. And praying that he may have a rehearing of the case at the next Superior Court to be held at Taunton aforesaid for the County of Bristol, and that Execution be stayed in the mean time.

Read and

*Ordered* that the prayer of the Petition be so far granted as that the Petitioner notify the adverse party by serving him with a Copy of this Petition, that he shew cause, if any he hath, on the second Wednesday of the next sitting of this Court why the prayer thereof should not be granted: and that the said Execution be stayed in the mean time, the Petitioner giving in Bond with surety to the Sheriff of the County of Bristol to pay what shall be finally recovered with the Interest. [*Passed November 12.*]

## CHAPTER 98.

RESOLVE CONFIRMING A PLAN OF 550 ACRES OF LAND TO JON<sup>A</sup> BAGLEY, ESQ<sup>R</sup>.

*Resolved* that the Within plan of five Hundred Acres of Land, Granted to Jonathan Bagly Esq<sup>r</sup> & by him Layd out in the County of york adjoining to Salmon fall River & is Bounded as followeth; Begining at Salmon falls River where it Emtyes it Self into Horn Pond. Thence Runing S<sup>o</sup> 36 Degrees E<sup>t</sup> 100 Rod by s<sup>d</sup> Pond to a Burch Tree Marked B Standing by Labenan Line, Thence NE B E<sup>t</sup> 320 Rods on Labenan Line, to A Maple tree Mark<sup>d</sup> B, Thence NW B N 430 Rods by province Land to A Maple tree Standing by Salmon falls River, Thence Down said River as the River Runs to the Bound first Mentioned.

Be Accepted, and the Land therein Contained be Confirmed Unto

Legislative  
Records of the  
Council, xxvi.,  
326.

House Jour-  
nal, pp. 192, 193.

Legislative  
Records of the  
Council, xxvi.,  
327. Maps and  
Plans, Mis.,  
xiv., 4.

Maps and  
Plans, Mis.,  
xiv., 46.

House Jour-  
nal, pp. 174, 197.  
Province  
Laws, xvii.,  
497, chap. 283.



him the s<sup>d</sup> Jonathan Bagly his heirs and Assigns for Ever Provided the Same Doth Not Exceed the Quantity of five Hundred & fifty acres Exclusive of thirty Acres allowance for Rocks & Bogg therein Containd Nor interfere with Any former Grant. [*Passed November 12.*]

## CHAPTER 99.

RESOLVE IMPOWERING SAM<sup>L</sup> NICHOLS AND ELIZABETH HIS WIFE, ADM<sup>N</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
327.

House Jour-  
nal, p. 199.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Samuel Nichols of Shirley, and Elizabeth his Wife Admin<sup>s</sup> of the Estate of her late Husband James Patterson late of Shirley deceased Setting forth That the said James died seized of about fifty Acres of Land with a dwelling House lately set upon the same, the whole being but of small value: That the deceaseds debts amount to Thirty pounds more than his personal Estate; and as it is therefore necessary that some part of his Real Estate should be sold, and it would be very injurious to the whole to divide it praying that they may be impowered to sell the House and Land for payment of the debts as aforesaid, the Overplus to be distributed according to Law. And James Prescot Guardian to the Children having signified his desire that the prayer of the said Petition be granted, the following Order passed thereon.

*Resolved* that the prayer of the Petition be granted; and that the Petitioners in their capacity be, and hereby are impowered to make Sale of the Real Estate of said James Patterson deceased for the most the same will fetch, and to make and execute a good Deed or deeds in Law for conveying the same; they observing the directions of the Law relating to the Sale of Real Estates by Executors & Admin<sup>rs</sup> and giving caution to the Judge of Probate for the County of Middlesex that the proceeds of said Sale be applied to the purposes within mentioned. [*Passed November 12.*]

## CHAPTER 100.

ORDER SUSPENDING THE SALE OF THE MANUFACTORY HOUSE.

Legislative  
Records of the  
Council, xxvi.,  
328.

House Jour-  
nal, pp. 164, 175,  
178, 195. *Ante*,  
p. 153, chap. 82.

*Ordered* that the Committee appointed to make Sale of the Manufactory House so called in Boston be and they are hereby directed to suspend the Sale thereof till the further Order of this Court. [*Passed November 12.*]

## CHAPTER 101.

VOTE WITH ORDER OF NOTICE AND STAY OF EXECUTION ON THE PETITION OF ROXBURY SELECTMEN TO SET ASIDE A JUDGMENT.

Legislative  
Records of the  
Council, xxvi.,  
328.

A PETITION of Eleazer Williams Esq<sup>r</sup> and Others Selectmen of Roxbury Setting forth That one Stephen Choate with his Wife and three Children in April 1738 came from Boston to reside in



said Town of Roxbury and were in the Month of May following warned out of Town, but were afterwards suffered to reside there for two or three years under warning till the man died, when the Children were put out, and the Woman went from place to place a nursing 'till at length growing infirm she was sent from Brooklyn where she had resided some years, to the Town of Roxbury, who in consequence of the Warning before mentioned sent her to Boston That the Selectmen of Boston after she had resided there some time, complained to the Court of Sessions, who having heard the Case, determined against the Town of Roxbury, whereby the said Town thinks itself greatly injured; and having since found sufficient Evidence to invalidate all that had been advanced on the Trial upon which the said Judgment was founded. Praying that the said Judgment may be set aside; and that they may have a new hearing of the cause.

House Journal, p. 199.

[Read and]

*Voted* that the Petitioners serve the Selectmen of the Town of Boston with a Copy of this Petition that they shew cause, if any they have, why the prayer of the Petition should not be granted, on the second Wednesday of the next sitting of this Court, and that Execution be stayed in the mean time. [*Passed November 12.*]

## CHAPTER 102.

### RESOLVE ADJOURNING COURTS IN MIDDLESEX COUNTY.

WHEREAS the General Thanksgiving throughout this Province is appointed to be observed on the Thursday of the same Week wherein the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law next to be holden in the County of Middlesex, by reason whereof the holding said Courts at that time will be attended with inconvenience. Therefore

Legislative Records of the Council, xxvi., 331.

House Journal, pp. 183, 184. Province Laws, v., 45, chap. 18; 66, note.

*Resolved* that the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be holden at Charlestown within and for the said County of Middlesex on the last Tuesday of November Instant, be and hereby are adjourned to the first Tuesday of December next to be holden at Charlestown aforesaid at ten of the Clock in the Forenoon of the same day. And all pleas Writs, Actions, Suits, Complaints, processes, Precepts, Recognizances and other thing and things whatsoever returnable or having day or days in either of the said Courts, and which were on the said last Tuesday of this Instant November to have been proceeded on, shall stand valid and continue unto the said Adjournment, and be held & adjudged to be as good, effectual and available in Law to all intents and purposes whatsoever, as if such Courts had been held on the day by Law appointed for holding the same, and no Adjournment thereof had been made. [*Passed November 13.*]

## CHAPTER 103.

## RESOLVE IMPOWERING MARY HEDGE, EXECUTRIX, TO SELL REAL ESTATE FOR DISCHARGING DEBTS AND LEGACIES.

Legislative  
Records of the  
Council, xxvi.,  
332.

House Jour-  
nal, pp. 168, 201.

A PETITION of Mary Hedge of Yarmouth Executrix of the last Will of Abraham Hedge late of said Yarmouth deceased Setting forth That the debts and Legacies of the said Abraham amount to Nine pounds, six shillings & six pence more than the personal Estate, and praying that she may be impowered to make Sale of so much of his Real Estate as will enable her to discharge the Debts and Legacies aforesaid, and the expences attending the said business.

Read and

*Resolved* that the prayer of this Petition be granted; and that the Petitioner be, and hereby is impowered to make Sale of so much of the Real Estate within mentioned where it can best be spared to the amount of Twelve pounds for the purposes mentioned and give and execute a good and sufficient Deed or deeds therefor: and that she give sufficient caution to the Judge of Probate for the County of Barnstable that the money shall be applied to the purpose mentioned in the Petition.<sup>1</sup> [*Passed November 13.*]

## CHAPTER 104.

RESOLVE IMPOWERING JEMIMA CHAPMAN, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
333.

House Jour-  
nal, pp. 205, 206.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jemima Chapman Widow, Administratrix of the Estate of her late Husband Jonathan Chapman of Charlestown deceased. Setting forth That the said deceaseds Estate is represented Insolvent, and that by the report of Commissioners appointed to receive the Creditors Claims, it appears that the Debts amount to £53.12.10 more than the whole appraised value of his Estate, both Real and personal. And praying that she may be impowered to sell the said deceaseds Real Estate in order to pay off the Creditors so far as it will answer the purpose.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner in her said capacity of Administratrix be, and she hereby is impowered to make Sale of the whole of the Real Estate of her late Husband Jonathan Chapman deceased for the most the same will fetch, and to make and execute a good deed or deeds in Law to the purchaser or purchasers of the same, She observing the directions of the Law respecting the Sale of Intestate Estates, and giving security to the Judge of Probate for the County of Middlesex, that the proceeds of said Sale shall be applied to the use of the said Jonathan's Creditors. [*Passed December 4.*]

<sup>1</sup> Adjourned to December 3. See Legislative Records of the Council, xxvi., 333.

## CHAPTER 105.

## RESOLVE IMPOWERING ZERUBABEL BALL TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samnel Pickard of Brookfield & Hannah his Wife late Widow of Thomas Ball late of Brookfield dec<sup>d</sup>, Zerubbable Ball eldest Son, & Hannah Ball only daughter of said Thomas; and of James Ormes of Spencer Guardian to Thomas, Abraham, Benjamin, & Silas Ball Setting forth That the said Thomas Ball died seized of a small Farm in Brookfield containing about seventy six Acres, fifteen Acres of which have been set off to the Widow as her thirds, and the remainder Settled on the eldest Son by the Judge of Probate for the County of Worcester he paying to the other Children for their respective Interests therein; but the said eldest Son being unable to pay out such Sums, and the Widows thirds lying in with the rest in such manner as it cannot well be sold alone Praying that the said Zerubbable Ball the eldest Son may be empowered to sell the whole, he accounting therefor according to Law.

Read and

*Resolved* that the prayer of this Petition be granted, and that Zerubbable Ball one of the Petitioners be, and he hereby accordingly is empowered to make Sale of the Dower or thirds mentioned in this Petition with his own part or Interest in said Estate: Saving that the Widow shall have the use and improvement of one third part of the proceeds of the whole of said Estate during her natural life, and that the said Zerubbable shall give proper Security to the Judge of Probate for the County of Worcester, that the Heirs at Law of the said Thomas shall receive such parts & parcels of the said third part of the proceeds of said Sale as shall accrue to them by Law after the Widows decease. [*Passed December 5.*]

Legislative  
Records of the  
Council, xxvi.,  
334.

House Jour-  
nal, pp. 177, 212.

## CHAPTER 106.

RESOLVE IMPOWERING ELIZA<sup>A</sup> TAFT, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Taft Widow and Admin<sup>s</sup> of the Estate of her late Husband Gideon Taft of Uxbridge deceased Setting forth That the said deceaseds personal Estate is not sufficient to pay his just debts; and that he died seized of about seven Acres of Land in said Uxbridge lying at some distance from the Homestead. And praying that she may be empowered to make Sale of the said seven Acres in order to discharge the said Debts she to be accountable.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner Elizabeth Taft in her capacity be, and she hereby is empowered to make sale of the seven Acres of Land mentioned in this Petition for the most the same will fetch, and to make and execute a good deed in Law to the purchaser of the same: She observing the Rules and directions in the Law for the Sale of Real Estates by Executors and Administrators, and to give proper caution to the

Legislative  
Records of the  
Council, xxvi.,  
337.

House Jour-  
nal, pp. 211, 215.  
Province  
Laws, ii., 151,  
chap. 10.

Judge of Probate for the County of Worcester that the moneys arising by such Sale to be applied to the purposes mentioned in this Petition. [*Passed December 8.*]

## CHAPTER 107.

### ORDER GRANTING TO JN<sup>o</sup> BARNARD LICENCE TO SELL STRONG DRINK.

Legislative  
Records of the  
Council, xxvi.,  
328. Mass.  
Archives, cxx.,  
605.

Mass.  
Archives, cxx.,  
604. House  
Journal, p. 215.

A PETITION of John Bernard of Salem Shopkeeper Setting forth. That he lately lived and carried on the business of a Shopkeeper in Danvers, and in July last obtained a License for Retailing Spirituous Liquors there, and since his removal to Salem hath obtained the recommendation of the Selectmen of that Town to be a Retailer in said place. And praying that the Court of General Sessions of the peace for the County of Essex may be impowered to grant him a License at their next term to carry on the business of a Retailer in the Town of Salem.

[Read and]

*Ordered*, That the Justices of General Sessions of the Peace for the County of Essex be impowered (if they see Cause) to grant the Petitioner a Licence at their next Sessions the Time for granting Licences being elapsed notwithstanding, he producing to the Court of Sessions the approbation of the Select-men of y<sup>e</sup> Town of Salem for that purpose. [*Passed December 8.*]

## CHAPTER 108.

### ORDER GRANTING TO THOMAS BRITT LICENCE TO SELL STRONG DRINK.

Legislative  
Records of the  
Council, xxvi.,  
339.

House Jour-  
nal, pp. 217, 218.

A PETITION of Thomas Britt of Boston Setting forth That by reason of long Illness of the Palsey with which he was seized in the year 1757 he is rendered in a great measure incapable of providing for himself and a large Family of Children, having six under eight years of age. That he lives in an House conveniently situated for selling Spirituous Liquors: And praying that the Court of General Sessions of the peace for the County of Suffolk may be impowered to grant him a Licence for selling Spirituous Liquors accordingly.

[Read and]

*Ordered* that the Justices of the General Sessions of the peace for the County of Suffolk be impowered, if they see cause, to grant the Petitioner a License at their next Session, the time for granting Licenses being elapsed notwithstanding. [*Passed December 9.*]

## CHAPTER 109.

### RESOLVE DIRECTING THE CLERK OF THE INFERIOR COURT OF COMMON PLEAS TO DELIVER TO JAMES LOVET A NOTE OF HAND.

Legislative  
Records of the  
Council, xxvi.,  
339.

A PETITION of James Lovet of Mendon Setting forth That at the Inferior Court of Commons pleas for the County of Worcester in August 1756 he recovered Judgment on a Note of hand against

David Pond then of said Mendon for the Sum of Eighteen pounds and Costs, and on the 21<sup>st</sup> of September following George Bruce a Deputy Sheriff levied an Execution taken out on the Judgment aforesaid, upon twelve Acres of Land in s<sup>d</sup> Mendon supposed to be the said David's, whereupon the Execution was returned satisfied; but that it since appears that the said Land had been before taken by Execution on a Judgment obtained against the said David by one David Daniels. That the said David Pond is now absconded, but hath left Effects in the hands of divers persons, but the Petitioner is deprived of the benefit of bringing his Action against them by reason of the former Judgment, and of his Notes being lodged in the Clerk's Office. And praying Relief.

[Read and]

*Resolved* that the prayer of the Petition be granted; and that the Clerk of the Inferior Court of Common pleas for the County of Worcester be directed to deliver to the Petitioner the Note mentioned in said Petition in order to commence a new action thereon. And that the Judgment recovered thereon as set forth in said Petition be no bar to any new Action to be brought by virtue of said Note. [*Passed December 9.*]

House Journal, pp. 211, 212, 217.

## CHAPTER 110.

### ORDER ALLOWING £20 TO DANIEL FOWLE.

A PETITION of Daniel Fowle late of Boston Printer, now of Portsmouth in New Hampshire Setting forth, That on the 29<sup>th</sup> day of October 1754 He was sent before the House of Representatives then sitting on suspicion of Printing a Pamphlet called the Monster of Monsters, and was thereupon committed to the common Goal in Boston where he remained in close confinement two days and Nights, and was three days in custody in the Prison Keepers House, to his great loss and damage. Whereupon he brought his Action against Thomas Hubbard Esq<sup>r</sup> the then Speaker and others, which was barred on supposition that the House had an inherent Right to commit him in manner aforesaid by their General Warrant, & Cost was recovered against him. That upon his Petition in June 1764 the General Court passed an Order for remitting the Cost thus recovered against him, and most of the persons now living who were active in that affair have long since been convinced of his Innocency. And praying that his Sufferings & the manner of his commitment with all the aggravated circumstances attending it, may become the subject of the Serious consideration of this Court, a Cause of a similar nature having lately been the object of attention of the most August Court of the British Nation, and after a learned and full debate wisely been determined in favour of the Complainant: And that he may be further relieved.

Read &

*Ordered* that there be granted to the Pet<sup>r</sup> the Sum of Twenty pounds out of the Publick Treasury on Account of y<sup>e</sup> Sufferings mentioned in this Petition. [*Passed December 9.*]

Legislative Records of the Council, xxvi., 340. Mass. Archives, lviii., 559.

Mass. Archives, lviii., 556. House Journal, pp. 162, 217. Province Laws, xvii., 547, chap. 87.

## CHAPTER 111.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF CUMBER-  
LAND COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
341.

House Jour-  
nal, pp. 14, 218.

AN ACCOUNT of James Milk Treasurer of the County of Cumberland having been presented to this Court for allowance the following Order passed thereon viz<sup>t</sup>

*Resolved* that the within Account, being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of One hundred fifty seven pounds, nineteen shillings and ten pence half penny, which he has paid by order of the Court of General Sessions, and that he be further accountable for a balance of Seventeen pounds one shilling, one penny half penny due to the County. [*Passed December 9.*]



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF JANUARY, A.D.  
1767.

## CHAPTER 112.

ORDER IMPOWERING JOSIAH EDSON, ESQ<sup>r</sup>, TO SELL A PART OF A LOT OF LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of the Selectmen of Bridgewater. Praying for leave to sell the third part of a twenty Acre Lot late belonging to Deborah Brand deceased in order to defrey the charges of her support.

[Read and]

*Ordered* that this Petition be revived, and that Josiah Edson Esq<sup>r</sup> of Bridgewater be, and hereby is impowered and directed to make Sale of the third part of the Lot of Land within mentioned, which belonged to Deborah Brand deceased, and to make a good Deed thereof the produce of said Sale after the said Deborah's proportion of the Debts and charges in said Petition mentioned are paid, to be applied towards payment of the charges that have arisen for the support of the said Deborah by the Town of Bridgewater and the Town of Needham: And that the said Josiah Edson render an Account of his doings herein to this Court. [*Passed January 30.*]

Legislative  
Records of the  
Council, xxvi.,  
347.

Mass.  
Archives,  
xxxiii., 399.  
Legislative  
Records of the  
Council, xxvi.,  
329. House  
Journal,  
pp. 152, 226,  
227. *Post*,  
p. 171, chap.  
116.

## CHAPTER 113.

RESOLVE CONFIRMING A PLAN OF A TOWNSHIP GRANTED TO CAPT WM. RAYMOND AND OTHERS.

THIS PLAN of a Township of Land of the Contents of Six Miles and three Quarters of a Mile Square, granted to Captain William Raymond and others who served in the Expedition against Canada in 1690, their legal Representatives or assigns, and by them laid out in the County of Cumberland adjoining to great Sebago Pond, and adjoining to New-Boston, bounded as follows, Viz<sup>t</sup> Beginning at the Northwesterly Corner Bonnds of the Township of Windham, and extending by the Needle due Northeast seven and an half miles, on the Head Line of said Windham, and New Boston; thence extending on a due Northwest Course seven and an half Miles; thence from the first mentioned Bonnds extending up the Northeast Side of the Great Pond of Sebago as the Pond doth run, till a Northeast Line shall terminate at Head of Seven Miles and an half on the North east Side Line, was presented for Acceptance:

Accordingly,

Legislative  
Records of the  
Council, xxvi.,  
348. Mass.  
Archives,  
cxviii., 224.

House Jour-  
nal, p. 163  
(June, 1765);  
pp. 54, 88, 225,  
226, 229. *Ante*,  
p. 48, chap. 94.

*Resolved*, That it be, and hereby is accepted, and the Land therein contained be confirmed unto them, their Heirs and Assigns for ever, they complying with the Conditions of the original Grant; Saving only that they settle seventy five Families in stead of Thirty Families.

Provided the same doth not exceed the Quantity of seven and an half Miles Square, with a Neck of Land and Island adjacent, delineated on said Plan, including Allowance for Ponds therein contained, nor interfere with any former Grant. [*Passed January 30.*]

## CHAPTER 114.

RESOLVE IMPOWERING REV<sup>d</sup> JONAS CLARK, GUARDIAN, TO JOIN WITH OTHER HEIRS IN A SALE OF REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
348. Mass.  
Archives,  
xiv., 476.

Mass.  
Archives,  
xiv., 475.  
House Jour-  
nal, pp. 229, 230.

A PETITION of Jonas Clark of Lexington, Clerk, Guardian of Lydia Bowes and Mary Bowes daughters of the Rev<sup>d</sup> M<sup>r</sup> Nicholas Bowes late of Bedford deceased, and Minors Setting forth, That the said deceased appointed Thomas Hancock late of Boston Esq<sup>r</sup> sole Executor of his last Will and Testament, and therein gave him full power to make sale of his Real Estate, and that the said Executor put the same upon Sale accordingly; but was prevented proceeding therein by Death; and that those of the Heirs who are of age have all agreed to accept of an offer now made them for said Estate; that the said Lydia & Mary are the only Heirs who are Minors. And praying that he may be enabled to join with the other Heirs in the said Sale.

[Read and]

*Resolved* that the Prayer of the Petition be granted and that the Petitioner, the Rev<sup>d</sup> M<sup>r</sup> Jonas Clarke Guardian to the said Lydia Bowes and Mary Bowes be and hereby is empowered to joyn with the other Heirs in making Sale of the real Estate mention'd in said Petition and in executing a good Deed or Deeds in Law for conveying the same. [*Passed January 31.*]

## CHAPTER 115.

RESOLVE IMPOWERING DEB<sup>o</sup> & NATH<sup>l</sup> AMES, ADM<sup>es</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
349.

House Jour-  
nal, pp. 225, 231.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Deborah Ames and Nathaniel Ames Administrators of the Estate of Nathaniel Ames late of Dedham deceased Setting forth That the deceaseds debts together with the allowance made to the Widow and the charges of Administration exceed the whole personal Estate the Sum of Five hundred and seventy nine pounds, four shillings and 8<sup>d</sup> $\frac{1}{2}$  lawful money. And praying for leave to make Sale of so much of the deceaseds Real Estate as will enable them to discharge the said debts.

[Read and]

*Resolved* that the Prayer of the Petition be granted, and that the Petitioners in their capacity of Administrators be, and hereby are empowered to make Sale of so much of the Real Estate of Nathaniel Ames deceased where it can best be spared and will be least preju-

dicial to the Heirs as will amount to the Sum of Five hundred and seventy nine pounds four shillings and eight pence half penny law-ful money and to make and execute a good deed or deeds in the Law for the same, they observing the direction of the Law for the Sale of Real Estates by Executors & administrators the aforesaid Sum to be applied for the payment of the just debts due from the said Nathaniel's Estate. [*Passed January 31.*]

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## CHAPTER 116.

ORDER IMPOWERING BETHIAH BRAND AND OTHERS, INDIANS, TO SELL A PART OF A LOT OF LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Bethiah Brand and others Indians Praying for leave to sell two third parts of a twenty Acre Lot of Land in Bridge-water heretofore the Estate of Caleb Brand deceased,

Legislative  
Records of the  
Council, xxvi.,  
354.

[Read and]

*Ordered* that this Petition be revived, & that the Petitioners have liberty to make Sale of their two third parts of the twenty Acres of Land within mentioned; and that Cap<sup>t</sup> John Jones of Dedham assist in the Sale and see that Justice be done, and that the produce of said Sale after the charges attending the same are deducted, be applied towards payment of two third parts of the Amount of the debts of Caleb Brand the Intestate within mentioned; and the remainder to be distributed among the Petitioners according to their respective Interest therein: they to be accountable to the Judge of Probate for the County of Plymouth for their doings in the premises. [*Passed February 2.*]

Legislative  
Records of the  
Council, xxvi.,  
329. House  
Journal,  
pp. 173, 199,  
200, 201, 234.  
*Ante*, p. 169,  
chap. 112.

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## CHAPTER 117.

RESOLVE ALLOWING £8 TO EDM<sup>d</sup> DIX.

A PETITION of Edmund Dix of Philadelphia Mariner Setting forth That he was taken during the late War in the Ship Prince of Wales Nathaniel Dowse Commander, when in pay of this Province, and carried Prisoner to France, where he was confined a Year & half in Goal, and after that was impressed into the Kings Service, and about two years since returned to Philadelphia. And praying an allowance.

Legislative  
Records of the  
Council, xxvi.,  
357. Mass.  
Archives,  
lxvi., 373.

[Read and]

*Resolved* that the Sum of Eight Pounds be allowed and Paid out of the Publick Treasury to Capt Jonas Dix for the use of the Petitioner in full Consideration for his Sufferings mentioned in the Petition. [*Passed February 4.*]

Mass.  
Archives,  
lxvi., 372.  
House Jour-  
nal, pp. 239, 241.

## CHAPTER 118.

RESOLVE IMPOWERING R<sup>d</sup> PEABODY, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
359.

House Jour-  
nal, pp. 226, 246.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Richard Peabody of Boxford Guardian of one Nathan Burnam aged about seventy Years a person Non Compos Setting forth That the said Nathan has been three years under Guardianship, that he owns a small Real Estate, but that it is about £200 Old Tenor in debt, and the Buildings gone much to decay; that he hath one Child that is wholly upon charge, and that the Income of the Estate is not sufficient for their support. Therefore praying that he may be impowered to sell the same.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner in his capacity as Guardian to Nathan Burnam a person Non Compos, be, and he is hereby impowered to make Sale of the whole of the Real Estate of the said Non compos, and to make and execute a good & sufficient Deed or Deeds of the same to the purchaser or purchasers their Heirs and Assigns forever, he observing the directions of the Law respecting the Sale of Real Estates by Executors and administrators; and that the proceeds of such Sale be applied so far as is necessary for the discharge of the just debts of the said Non compos; and that the remainder of said proceeds shall be put to Interest and applied for the support and maintenance of the said Non Compos and his Child mentioned in the Petition; and that after the decease of the said Non compos, the residue, if any there be, shall be distributed to and among his Heirs agreeable to Law, and that the Petitioners give sufficient security to the Judge of Probate for the County of Essex that said Money shall be so applied. [*Passed February 5.*]

## CHAPTER 119.

ORDER IMPOWERING THE SELECTMEN OF LANESBORO TO LEVY A TAX OF TWO PENCE PER ACRE FOR THREE YEARS ON ALL LANDS OF DELINQUENT PROPRIETORS THEREOF.

Legislative  
Records of the  
Council, xxvi.,  
165, 360.

Mass.  
Archives, xiv.,  
418, 420. Legis-  
lative Records  
of the Council,  
xxvi., 355.  
House Jour-  
nal, pp. 234, 247,  
248. Province  
Laws, iv., 815,  
chap. 14.

A PETITION of the Town of Lanesborough Setting forth That this Court was pleased in the last May Session to incorporate the said Town, and at the same time enabled the proprietors to Tax themselves as such for the building a Meeting house making and repairing Highways &c but not for the support of a Minister which they esteem a great hardship, as they have a Minister settled among them, and are unable of themselves to support him. And praying for a Tax on the Lands of the delinquent Settlers for that purpose.

Read and

*Ordered* that a Tax of two pence ~~per~~ Acre annually for three years next ensuing from the first of March next be laid on all the Lands of the delinquent Proprietors or Settlers in Lanesborough for the support of the Ministers or preaching, and for no other purpose whatsoever, the public Lots only excepted; and that the Inhabitants of said Town be impowered at a legal Meeting to appoint suitable persons to Assess & Collect the same. [*Passed February 5.*]

## CHAPTER 120.

RESOLVE ALLOWING THE PROPRIETORS OF TOWNSHIP N<sup>o</sup> 3 FURTHER TIME FOR OBTAINING HIS MAJESTY'S APPROBATION OF SAID GRANT.

A PETITION of Nathan Jones, Francis Shaw and Robert Gould Setting forth That they have advanced upwards of Six thousand pounds Sterling to bring forward the Settlement of a Township granted them in February 1763 and have now about forty dwelling Houses, seven Mills and other Buildings thereon, and about three or four hundred Inhabitants. And praying that they may have a further time allowed them for obtaining his Majesty's Approbation of the Grant.

[Read and]

*Resolved* that the prayer of this petition be granted, & that the petitioners above named, for the reasons mentioned in <sup>s</sup>d petition be further allowed the term of Eighteen Months, from this Day, to Obtain his MAJESTY'S approbation of the within mentioned Grant.

[*Passed February 5.*]

Legislative  
Records of the  
Council, xxvi.,  
360. Mass.  
Archives,  
cxviii., 223.

Mass.  
Archives,  
cxviii., 222.  
House Jour-  
nal, pp. 223, 279  
(February,  
1763); pp. 240,  
241, 246. Prov-  
ince Laws,  
xvii., 239, chap.  
169; 476, chap.  
213.

## CHAPTER 121.

RESOLVE DISMISSING M<sup>r</sup> AGENT JACKSON.

WHEREAS Richard Jackson Esq<sup>r</sup> by Reason of his prior Engagement with the Colony of Connecticut cannot Act in behalf of this Province in all the Matters depending in Great Britain, wherein the Province is Concerned: And whereas the general Interests of the Colonies cannot be so effectually served by uniting the Agency of several of them in the same person, as by each having it's separate Agent

*Resolved*, That Richard Jackson Esq<sup>r</sup> be & hereby is Dismiss'd and Removed from the Agency of this Province; And that the Secretary be Directed to write to him accordingly. [*Passed February 6.*]

Legislative  
Records of the  
Council, xxvi.,  
364. Mass.  
Archives,  
xxii., 503.

Mass.  
Archives,  
xxii., 499, 502.  
Legislative  
Records of the  
Council, xxvi.,  
335, 336 *bis*, 337.  
House Jour-  
nal, pp. 214, 216,  
217, 247, 250.

## CHAPTER 122.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF REUBEN DELANO FOR A NEW HEARING OF AN ACTION.

A PETITION of Reuben Delano of Dartmouth Setting forth That Joseph Roach and C<sup>o</sup> of Nantucket in October last brought an Action against him for £102.15.3 to which Action he was to Answer at the Court holden at Nantucket in October last. That the Petitioner had but a few days notice of the Action & immediately made a power of Attorney to Abishai Folger Esq<sup>r</sup> of Nantucket to appear & Answer for him, and delivered it to one M<sup>r</sup> Hammond who was bound thither but providentially prevented getting there before the Court was over, by which means the case went against him. And praying that he may be admitted to a new Trial, and that Execution may be stayed in the mean time.

[Read and]

*Resolved* that the prayer of this Petition be so far granted, as that

Legislative  
Records of the  
Council, xxvi.,  
364.

House Jour-  
nal, pp. 235, 253.

the said Petitioner notify the adverse party by leaving with him a Copy of this Petition, that so he may shew cause if any he have on the first Tuesday of the next May Session of this Court why the prayer thereof should not be granted; and that Execution be stayed in the mean time: Provided the said Petitioner give security to the Sheriff of the County of Nantucket to pay the Sum that may be found finally due thereon. [*Passed February 6.*]

## CHAPTER 123.

### RESOLVE ALLOWING £11. 14 TO RICH<sup>d</sup> HOLLAND.

Legislative  
Records of the  
Council, xxvi.,  
366. Mass.  
Archives,  
lxxx., 624.

Mass.  
Archives,  
lxxx., 623.  
House Jour-  
nal, pp. 161, 251.

A PETITION of Richard Holland of Taunton Setting forth That on the 25<sup>th</sup> of March 1760 he inlisted as a Soldier in the pay of the Province under Cap<sup>t</sup> Ingoll but was turned over to Cap<sup>t</sup> Job Williams and proceeding so far as Worcester he was there drawn out for a Carter & went to Albany in which capacity he served till the 8<sup>th</sup> of October following, and then was discharged with eight others whose discharges were all wrote on one paper, of which he is not possessed, and this together with his having been a long time out of the Province have prevented his receiving any recompence heretofore. And praying relief.

Read &

*Resolved* that the sum of Eleven pounds fourteen Shillings be allowed & paid out of the publick Treasury to y<sup>e</sup> Petitioner Richard Holland in full for six months & an half Service mentioned in y<sup>e</sup> petition. [*Passed February 6.*]

## CHAPTER 124.

### ORDER IMPOWERING JOSEPH BLAKE TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
367.

House Jour-  
nal, pp. 80, 103,  
255. *Ante*,  
p. 117, chap. 6.

A PETITION of Joseph Blake Setting forth That he together with Isaac Thomas late of Hardwick deceased were by virtue of an Attachment possessed of about eight Acres of Land in Framingham as Copartners in Trade which Land they had agreed to dispose of, but were prevented by the death of the said Isaac. And praying that he the said Joseph Blake may be impowered to make Sale of the said Land in order to discharge some debts which still remain due from the said Company; which petition was passed on by the House on the 19<sup>th</sup> of June last.

Read and

*Ordered* that this Petition be revived: and that the prayer thereof be so far granted as that the said Joseph Blake the Petitioner be, and hereby is impowered to make Sale of the Land mentioned in said Petition, and make and execute a good deed or deeds in Law for conveying the same, the said Isaac Thomas being deceased notwithstanding. [*Passed February 6.*]



## CHAPTER 125.

RESOLVE DISCONTINUING THE ESTABLISHMENT FOR SLOOP MASSACHUSETTS AND DIRECTING THE FREIGHTING OF GOODS.

*Resolved* that the Establishment made for the Sloop Massachusetts in November 1757, to be Continued till the further order of this Court Shall hence forth cease and Determine, and that the Commissary General be Directed to Freight Such Goods as he Shall have occasion; for the Service of this Province on the most reasonable terms. [*Passed February 6.*]

Legislative  
Records of the  
Council, xxvi.,  
368. Mass.  
Archives,  
lxvi., 374.

Legislative  
Records of the  
Council, xxvi.,  
283. House  
Journal,  
pp. 235, 250.  
Province  
Laws, xvi., 71,  
chap. 159.

## CHAPTER 126.

RESOLVE ADJOURNING COURTS IN HAMPSHIRE COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Hampshire according to the time by Law appointed should be holden at Northampton in said County on the second Tuesday of February current. And Whereas sundry of the Justices of the said Courts and others concerned in the business thereof are Members of this Court which is like to continue sitting beyond the time aforesaid by Law appointed for holding said Courts.

Therefore

*Resolved* That the said Court of General Sessions of the peace and Inferior Court of Common pleas be, and hereby are Adjourned unto the last Tuesday of March next, then to be holden at said Northampton and that all pleas, processes, Writs, Actions, Suits, Complaints, precepts, Recognizances and all other matters and things returnable and having or that should have day in the said Courts, if the same had been held on the said second Tuesday of February shall be returnable and have day in the said Courts on the said last Tuesday of March, and shall abide & continue unto that time and shall then be proceeded on, heard, tried & determined to all intents and purposes, as effectually as if the said Courts had been held on the said second Tuesday of February. [*Passed February 6.*]

Legislative  
Records of the  
Council, xxvi.,  
368.

House Journal,  
pp. 252, 254.  
Province  
Laws, iv., 737,  
chap. 20; v., 67,  
note.

## CHAPTER 127.

RESOLVE ADJOURNING COURTS IN BRISTOL COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Bristol according to the time by Law appointed should be holden at Taunton in said County on the third Tuesday of February Current. And whereas sundry of the Justices of the said Courts and others concerned in the business thereof, are Members of this Court which is like to continue sitting beyond the time aforesaid by Law appointed for holding said Courts, and also by reason of the severity of the Season.

Legislative  
Records of the  
Council, xxvi.,  
369.

House Journal,  
pp. 253, 255,  
256. Province  
Laws, v., 67,  
note. *Ante*,  
p. 68, chap. 130.

Therefore

*Resolved* That the said Courts of General Sessions of the peace, and Inferior Court of Common pleas, be, and hereby are adjourned unto the first Tuesday of May next, then to be holden at said Taunton; and that all pleas, processes, Writs, Actions, Suits, Complaints, precepts, Recognizances, and all other matters and things returnable and having, or that should have day in the said Courts, if the same had been held on the said third Tuesday of February shall be returnable and have day in the said Courts on the said first Tuesday in May and shall abide and continue unto that time, and shall then be proceeded on, heard, tried and determined to all intents and purposes as effectually as if the said Courts had been held on the said third Tuesday of February. [*Passed February 6.*]

## CHAPTER 128.

RESOLVE GRANTING TO JACOB CALMEHORN LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xxvi.,  
362. Mass.  
Archives, cxi.,  
535.

Mass.  
Archives, cxi.,  
554. House  
Journal,  
pp. 227, 245, 246.

A PETITION of Jacob Calmehorn living at a place called the Gore West of Pittsfield in the County of Berkshire Setting forth That the same is a place of great resort, and that there is no public House there. And praying that the Court of General Sessions of the peace of the said County may be impowered to grant him a Licence for that purpose.

[Read and]

*Resolved* that the Prayer of this Petition be Granted and that the Justices of the General sessions of the peace for the County of Berkshire be Impowered (if they See cause) to grant the Petitioner a Licence at their next Session, the time for granting Licences being elapsed notwithstanding he first obtaining the Approbation of the Select men of the Town of Pittsfield. [*Passed February 7.*<sup>1</sup>]

## CHAPTER 129.

ORDER ASSESSING A TAX OF TWO PENCE PER ACRE ON LAND IN OAKHAM.

Legislative  
Records of the  
Council, xxvi.,  
372.

Legislative  
Records of the  
Council, xxvi.,  
312, 360. House  
Journal,  
pp. 174, 251, 253,  
260.

A PETITION of the Inhabitants of Oakam praying for a Tax on the Lands of the Nonresident Proprietors being referred to a Committee of both Houses on the 5<sup>th</sup> Instant, the said Committee reported, and the following Order passed thereon viz'

*Ordered* that there be a Tax of two pence ~~per~~ Acre for one year next ensuing laid upon each Standard Acre of Land within the District of Oakham to enable the Inhabitants to settle a Gospel Minister in said place, and for no other purpose whatsoever. It appearing to this Court that the Inhabitants have agreed with the Proprietors never to apply to the proprietors for any more Land Taxes. And the Inhabitants of said District are hereby impowered at a legal District Meeting to appoint suitable persons to Assess and collect the same. [*Passed February 7.*]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 5.

## CHAPTER 130.

RESOLVE IMPOWERING THE ASSESSORS OF THE DISTRICT OF OAKHAM TO COMPLETE THE COLLECTION OF TAXES, AND RESOLVE RECTIFYING AND CONFIRMING PROCEEDINGS ON WARRANTS.

A PETITION of the Freeholders and Inhabitants of Oakham Setting forth That in November 1761 the Great and General Court granted a Tax of 2<sup>d</sup> p Acre for three years then next ensuing, one penny a year for two years next following upon each Acre of the Lands of the Nonresident proprietors in the West Precinct of Rutland since Incorporated into a District by the name of Oakham. That they being then in their Infancy and unacquainted with public business omitted posting Copies of their Assessments, by reason whereof the said Taxes are not yet fully collected and inasmuch as the present Assessors can take no legal measures for drawing in the Taxes granted as aforesaid. Praying relief.

Read and considered and therefore

*Resolved* that the prayer of this Petition be so far granted that the present assessors of said District of Oakham be and hereby are authorized and empowered to compleat the Collections of said Taxes according to the true intent thereof, and that they notify for Sale so much and no more of each delinquent proprietors Land as they upon their Oaths shall judge necessary for the compleating the payment of the said five years Taxes, and the charges arising thereon, by posting all such Assessments within said District of Oakham, as also in the shire Town of the Connty of Worcester and advertising the same in one or more of the Boston News papers three months before said Sale, to sell the same to the highest bidder, and make and execute a good Deed or deeds of the same, and if it happen that such Lands which they shall so expose to Sale, sell for more than may be sufficient to pay the Assessment & charges thereof, the Overplus shall be returned to the Owner.

And Whereas it appears that the Warrants & Records of some of their District Meetings are insufficient in the following particulars viz<sup>t</sup> In some instances no Records made of the Selectmens having taken the Oath respecting the Bills of the neighbouring Governments, in others their Warrants not directed to the Constables, but posted up by the Selectmen, and some that were directed to the Constables no Records of the Constables warning thereon, in others the Votes that passed at the Meeting not signed by the Moderator.

*Resolved* that notwithstanding the deficiencies aforesaid, or any of the like kind, except in actions that are already commenced in the Law relative thereto, if any such there be, that the Warrants of such District Meetings, and the proceedings thereon, shall all be and hereby are ratified and confirmed, & made valid in Law to all intents and purposes whatsoever. [*Passed February 7.*]

Legislative  
Records of the  
Council, xxvi.,  
373.

House Jour-  
nal, p. 261.  
Province  
Laws, xvii., 69,  
chap. 163.

## CHAPTER 131.

RESOLVE ALLOWING £60 AND A FURTHER ALLOWANCE OF £16 TO  
ROBT<sup>T</sup> BALLS.Legislative  
Records of the  
Council, xxvi.,  
381.House Jour-  
nal, pp. 238, 265.  
Province  
Laws, xi., 764,  
chap. 142.

A PETITION of Robert Balls Keeper of the Lighthouse in Boston Harbour Praying an allowance for his last years Service ending the 19<sup>th</sup> day of November being his 33<sup>d</sup> Year; and for a reimbursement of the Sum of Sixteen pounds he had advanced for thirty Cords of Fire Wood for the benefit of the Light.

[Read and]

*Resolved* that the Sum of Sixty pounds be allowed and paid out of the public Treasury to the Petitioner for his Service for one year ending the 19<sup>th</sup> of November last: Also the Sum of Sixteen pounds for thirty Cords of Wood. [*Passed February 10.*]

## CHAPTER 132.

RESOLVE IMPOWERING LYDIA GREENLEAF, GUARDIAN, TO SELL REAL  
ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.Legislative  
Records of the  
Council, xxvi.,  
381.House Jour-  
nal, pp. 218, 263.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Lydia Greenleaf Mother & Guardian of Stephen Greenleaf a Minor about twelve years of age Setting forth That the said Minor is Heir to one seventh part of his Grandfather M<sup>r</sup> Stephen Greenleaf deceased his Estate, being one dwelling House in Boston, and that the other Heirs are about selling their shares of the said House, And praying that she may be impowered to make Sale of the said Minors seventh part, the produce whereof improved at Interest she apprehends would be more for the benefit of the Minor than to retain so small a share of the said House.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that Lydia Greenleaf Guardian to Stephen Greenleaf a Minor be, and she hereby is impowered in her said capacity to make Sale of the seventh part of the House mentioned in this Petition for the most the same will fetch, and execute a good deed in Law of the same to the purchaser, and that the Money arising by such Sale be put out at interest for the benefit of the said Minor, she observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Administrators. [*Passed February 10.*]

## CHAPTER 133.

RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR  
THE FAITHFUL DISCHARGE OF HIS DUTIES.Legislative  
Records of the  
Council, xxvi.,  
384.House Jour-  
nal, pp. 275, 276.  
*Infra*, chap.  
134.

In the House of Representatives.

*Resolved* that no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present year shall be esteemed duly qualified to enter upon the execution of that Office until he shall first have an Oath administred

to him for his faithful performance of his said Office, and shall give Bond with sufficient Sureties to the acceptance of a Committee appointed by this Court for that purpose in the Sum of Thirty thousand pounds lawful money to the three eldest Counsellors in the Province for the time being who are hereby appointed a Committee in behalf of the Province, and especially authorized for this purpose which Bond shall be conditioned for such Treasurers truly and faithfully discharging the duty of his Office according to Law, and for rendering an Account when and so often as he shall be required by the General Court of all such Sum or Sums of Money as he shall from time to time receive into the Treasury, and for his well and truly paying to his Successor in said Office, or to any other person that may be appointed by the General Court to receive the same, all such Sum or Sums of Money as upon such Settlement of his said accounts, or otherwise shall be found due and payable from him to this Province; provided that the said Bond be put in suit within three years next after the date hereof, otherwise to be void and of no Effect: And that Col<sup>o</sup> Murray & Col<sup>o</sup> Brown with such as the Hon<sup>ble</sup> Board shall join be a Committee to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council, Read and Concurred, and Thomas Hubbard Esq<sup>r</sup> is joined in the affair. [*Passed February 12.*]

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## CHAPTER 134.

### VOTE CHOOSING HARRISON GRAY PROVINCE TREASURER.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year, and first of a Treasurer and Receiver General for the Province; when Harrison Gray Esq<sup>r</sup> was chosen by a major Vote of the Council and House of Representatives. [*Passed February 12.*]

Legislative  
Records of the  
Council, xxvi.,  
385.

House Jour-  
nal, p. 277.

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## CHAPTER 135.

### VOTE CHOOSING THOMAS HUBBARD COMMISSARY GENERAL.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year when Thomas Hubbard Esq<sup>r</sup> was chosen the Officer for purchasing Provisions &c for the several Forts and Garrisons by a major part of the Votes of the Council & House of Representatives. [*Passed February 12.*]

Legislative  
Records of the  
Council, xxvi.,  
385.

House Jour-  
nal, p. 277.

CHAPTER 136.

VOTE CHOOSING JAMES RUSSELL COMMISSIONER OF IMPOST.

Legislative  
Records of the  
Council, xxvi.,  
385.  
House Jour-  
nal, p. 277.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year, when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major part of the Votes of the Council & House of Representatives. [*Passed February 12.*]

CHAPTER 137.

VOTE CHOOSING THOMAS GOLDTHWAIT TRUCK MASTER AT FORT POWNAL.

Legislative  
Records of the  
Council, xxvi.,  
386.  
House Jour-  
nal, p. 277.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil Officers for the present year, when Thomas Goldthwait Esq<sup>r</sup> was chosen Truck master for Fort Pownal by a major Vote of the Council & House of Representatives. [*Passed February 12.*]

CHAPTER 138.

VOTE CHOOSING NOTARIES PUBLIC.

Legislative  
Records of the  
Council, xxvi.,  
386.  
House Jour-  
nal, pp. 277, 278.

THE TWO HOUSES according to Agreement proceeded to the Choice of Civil Officers for the present year when the undermentioned Persons were chosen public Notaries by a Major Vote of the Council and House of Representatives.

Suffolk.		
For the port Boston	.	{ Ezekiel Goldthwait Esq <sup>r</sup>
	.	{ Mr Henry Alline jun <sup>r</sup>
Essex {	Salem . . . . .	John Nutting Esq <sup>r</sup>
	Ipswich . . . . .	Mr Samuel Sawyer
	Marblehead . . . . .	John Chipman Esq <sup>r</sup>
	Newbury . . . . .	William Atkins Esq <sup>r</sup>
	Gloicester . . . . .	Daniel Witham Esq <sup>r</sup>
Plymouth {	Plymouth . . . . .	Edward Winslow Esq <sup>r</sup>
	Barustable . . . . .	Solomon Otis Esq <sup>r</sup>
Barnstable {	Falmouth . . . . .	Thomas Smith Esq <sup>r</sup>
		{ Thomas Gilbert Esq <sup>r</sup>
Bristol . . . . .		{ Elisha Tobey Esq <sup>r</sup>
Dukes County Edgartown	.	John Pease jun <sup>r</sup>
Nantucket . . . . .	.	Obed Hussey Esq <sup>r</sup>
York {	York . . . . .	Daniel Moulton Esq <sup>r</sup>
	Kittery . . . . .	Charles Chauncey Esq <sup>r</sup>
	Wells . . . . .	John Wheelwright Esq <sup>r</sup>
Cumberland Falmouth	.	Stephen Longfellow Esq <sup>r</sup>
Lincoln . . . . .	.	Mr Thomas Moulton

[*Passed February 12.*]



## CHAPTER 139.

## RESOLVE ALLOWING £800 TO THE JUSTICES.

*Resolved* that the Sum of Eight Hundred Pounds be allowed & paid out of the publick Treasury to the Honorable the Justices of the Superior Court of Judicature Court of Assize & General Goal Delivery, And to the Executor of the Honorable Chambers Russell Esq<sup>r</sup> deceased, late one of the Justices of said Court for their Services for one year, ending the first Day of January last. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
388. Mass.  
Archives, xliiv., 619.

House Journal, pp. 268, 269.

## CHAPTER 140.

## RESOLVE ALLOWING £40 TO THE CHIEF JUSTICE.

*Resolved* that the Sum of Forty Pounds be allowd & paid out of the publick Treasury to the Honorable Thomas Hutchinson Esq<sup>r</sup> in Consideration of his faithfull Discharge of the important Trust reposed in him as Cheif Justice & for his further Encouragement therein. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
388. Mass.  
Archives, xliiv., 620.

House Journal, p. 271.

## CHAPTER 141.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

In the House of Repres<sup>tes</sup>

*Resolved*, That there be granted, and allowed to be paid out of the publick Treasury, the Sum of four shillings per Diem, to the honorable Thomas Cushing, Esq<sup>r</sup> Speaker of the House for every Day of his Attendance in the General Court, from the opening of the Sessions on the twenty eighth Day of may; 1766, over and above his Pay as member of this House.

In Council Read & Concurred. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
388. Mass.  
Archives, l.,  
259.

House Journal, p. 269.

## CHAPTER 142.

## RESOLVE ALLOWING £267 TO THE TREASURER.

*Resolved*, That the Sum of Two Hundred & sixty seven pounds be granted, and allowed to be paid out of the publick Treasury to the honorable Harrison Gray, Esq<sup>r</sup> Treasurer and Receiver-General of his Majesty's Revenues of this Province, for a year's Service, ending the twenty-third Day of December last. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
388. Mass.  
Archives, civ.,  
413.

House Journal, p. 269.

## CHAPTER 143.

## RESOLVE ALLOWING £200 TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxvi.,  
388.

House Jour-  
nal, p. 270.

*Resolved* that the Sum of Two hundred pounds be granted and allowed to be paid out of the public Treasury to the Hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Commissary General for his faithful discharge of his trust for one year ending the eleventh day of January last. [*Passed February 13.*]

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## CHAPTER 144.

## RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council, xxvi.,  
389.

House Jour-  
nal, p. 269.  
*Infra*, chap.  
145.

*Resolved* that the Sum of Ninety pounds be granted and allowed to be paid out of the public Treasury to the Hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province in consideration of his extraordinary Service to the sixth day of December last. [*Passed February 13.*]

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## CHAPTER 145.

## RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative  
Records of the  
Council, xxvi.,  
389.

House Jour-  
nal, p. 269.  
*Supra*, chap.  
144.

*Resolved* that the Sum of Fifty pounds be granted and allowed to be paid out of the public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province for his Services for one year ending the sixth day of December last. [*Passed February 13.*]

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## CHAPTER 146.

## RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xxvi.,  
389. Mass.  
Archives, 1.,  
260.

House Jour-  
nal, p. 270.

*Resolved*, That there be granted, and allowed to be paid out of the publick Treasury, the Sum of Ninety Pound to M<sup>r</sup> Samuel Adams; Clerk of the House of Representatives, for his Service during the several Sessions for the current Year. [*Passed February 13.*]

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## CHAPTER 147.

## RESOLVE ALLOWING £50 TO LIEUTENANT JOHN PHILLIPS AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xxvi.,  
389.

House Jour-  
nal, p. 271.

*Resolved* that there be allowed and paid out of the public Treasury the Sum of Fifty pounds to John Phillips Esq<sup>r</sup> Lieutenant of his Majesty's Garrison at Castle William in consideration of his faithful discharge of that trust. [*Passed February 13.*]

## CHAPTER 148.

RESOLVE ALLOWING £40 TO THE CHAPLAIN OF CASTLE WILLIAM.

*Resolved* that there be allowed and paid out of the public Treasury the Sum of Forty pounds to Mr Christopher Bridge Marsh Chaplain at his Majesty's Castle William for one year in consideration of his faithful discharge of that trust. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
389.

House Jour-  
nal, p. 270.

## CHAPTER 149.

RESOLVE ALLOWING £12 TO Y<sup>r</sup> CHAPLAIN OF THE TWO HOUSES.

*Resolved* that there be allowed and paid out of the public Treasury the Sum of Twelve pounds to the Rev<sup>d</sup> Samuel Cooper for his faithful Service as Chaplain to the hon<sup>ble</sup> Board, and the Hon<sup>ble</sup> House of Representatives the current year. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
390.

House Jour-  
nal, p. 270.

## CHAPTER 150.

RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARV<sup>d</sup> COLLEGE.

*Resolved* that the Sum of Two hundred pounds be granted & allowed to be paid out of the public Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard College over and above the Rents of Massachusetts Hall for one year ending the tenth day of September last, to be paid quarterly. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
390.

House Jour-  
nal, p. 269.

## CHAPTER 151.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to Mr Edward Wigglesworth Hollisian professor of Divinity at Harvard College in Cambridge the Sum of One hundred pounds for a years Service ending the fifth of February Instant as a Gratuity in consideration of his faithful discharge of the great and important trust that was reposed in him. [*Passed February 13.*]

Legislative  
Records of the  
Council, xxvi.,  
390.

House Jour-  
nal, p. 270.

## CHAPTER 152.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xxvi.,  
336, 391.

House Jour-  
nal, p. 270.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to John Winthrop Esq<sup>r</sup> Hollisian professor of Mathematic's and natural Philosophy at Harvard College in Cambridge, the Sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him, and for his further encouragement therein. [*Passed February 13.*]

## CHAPTER 153.

ORDER IMPOWERING THO<sup>s</sup> HART TO ENTER A COMPLAINT.

Legislative  
Records of the  
Council, xxvi.,  
336, 391.

Legislative  
Records of the  
Council, xxvi.,  
303, 356. House  
Journal,  
pp. 158, 159, 161,  
214, 241, 282, 283.

A PETITION of Thomas Hart, praying leave to enter a Complaint at the Superior Court in an Action against one Joseph Eaton, his neglect to do it seasonably notwithstanding,

Read and

*Ordered* that the Petitioner Thomas Hart be, and he hereby is empowered to enter his Complaint at the next Superior Court of Judicature, Court of Assize and General Goal delivery to be holden at Ipswich within and for the County of Essex on the third Tuesday of June next against Joseph Eaton for his debts and Cost in said Petition mentioned with additional Interest. And the said Court are hereby authorized and empowered to make up Judgment on said Complaint and award Execution thereon in the same manner as they would have done had the said complaint been entered at the Superior Court held at Salem aforesaid on the third Tuesday of June last. [*Passed February 14.*]

## CHAPTER 154.

## RESOLVE REMITTING TO THE TOWN OF BRAINTREE £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxvi.,  
352.

House Jour-  
nal, pp. 237, 282.

A PETITION of the Freeholders and other Inhabitants of the Town of Braintree Setting forth That the said Town by reason of the roughness of the Land are at the expence of little less than two hundred pounds a year for repairing and amending their Roads; notwithstanding which the Attorney General filed an information against the said Town, and in August last the Superior Court then sitting in Boston laid a Fine of Ten pounds upon said Town. And praying relief.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Fine of ten pounds laid upon the Town of Braintree be, and hereby is remitted, and that no further proceedings be had thereon; it appearing to this Court that part of the way mentioned in the Petition has so lately been laid out, and is so difficult to be made good that said Town ought to have had longer time for that purpose. [*Passed February 14.*]

## CHAPTER 155.

RESOLVE ALLOWING 3,000 ACRES OF EQUIVALENT LAND TO HEZ<sup>IA</sup> WARD  
& OTHERS.

A PETITION of Hezekiah Ward, Benjamin Clarke and Jon<sup>A</sup> Mason Heirs and Attorneys for the Heirs of the Estate of Benj<sup>A</sup> Clarke late of Boston deceased Eben<sup>r</sup> Storer Executor of the Will of Ebenezer Storer late of Boston Esq<sup>r</sup> deceased, and Stephen Minor Admin<sup>r</sup> of the Estate of Jonas Clarke late of Boston aforesaid Esq<sup>r</sup> deceased Setting forth That they own certain Lands bought by them and their predecessors lying in the North part of a new Township formerly called Boston Township N<sup>o</sup> 1, now Charlemont That they are deprived of about two thousand Acres of Land by the West Line of Colrain being pitchd down before the Surveyor had run out the length of Line he has given in for the North Line of Charlemont. And praying for an equivalent.

Read &

*Resolved* that there be granted to Hezekiah Ward & others, Assignees of the Town of Boston in proportion to their several losses of Lands in the Town of Charlemont by the running of the Lines of Colrain, three thousand Acres of the unappropriated Lands of this Province, adjoining to the said Town of Charlemont in full satisfaction for any deficiency of the contents of the original Grant of said Town: the said Assignees returning a Plan of the same taken by a Surveyor and Chainmen under Oath to this Court for Confirmation within one year from this time. [*Passed February 16.*]

Legislative  
Records of the  
Council, xxvi.,  
393.

House Jour-  
nal, pp. 275, 283,  
284. Province  
Laws, xii., 275,  
chap. 33.

## CHAPTER 156.

RESOLVE IMPOWERING SAMUEL GERRISH TO SELL REAL ESTATE AND  
MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Huse of Newbury setting forth That her late Husband William Huse dec<sup>d</sup> was possessed of about forty Acres of Land in said Newbury lying in four pieces nearly three Miles remote from each other, without either Wood or Stone thereon to fence it. That he left an only Child Mary Huse an Ideot, and that the Petitioner is unable to support herself or Child without breaking in upon said Estate but has now an opportunity to sell the same and to purchase a Farm of One hundred Acres of Land well accommodated for the support of a Family. And praying that she may be allowed to make the said Sale and purchase accordingly, and that Maj<sup>r</sup> Samuel Gerrish or some other meet person may be impowered to negotiate the affair.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that Maj<sup>r</sup> Samuel Gerrish within named be, and hereby is authorized and impowered to make Sale of and convey the said Lands and Tenements late of the said William Huse herein named for the most the same will fetch and to make and execute a good Deed or deeds in Law to the purchasers, He observing the Rules & directions in the Law for the Sale of Real Estates by Executors & Admin<sup>rs</sup>, and that the said Samuel Gerrish be, and hereby is impow-

Legislative  
Records of the  
Council, xxvi.,  
397.

House Jour-  
nal, pp. 280, 286,  
287, 293. Prov-  
ince Laws, ii.,  
151, chap. 10.

ered and directed to lay out the monies arising by such Sale as aforesaid in the purchase of such other Lands and Tenements for the use of the Ideot named in this Petition, and her Heirs forever as may be most beneficial for her, and take a Deed or deeds of conveyance thereof to himself and his Heirs in trust for the Ideot, and for the Sole use and behoof of her and her Heirs forever: but reserving therein unto Mary Huse the Mother of the said Ideot and Widow of the said William Huse the use and improvement of one third part of such new purchased Land & Tenements during the life of the said Mary. Provided she first release unto the purchasers of the first mentioned Lands and Tenements all her Right of Dower in and unto the same. And that Samuel Gerrish Esq<sup>r</sup> be accountable: and that when the Sale and purchases in said Petition mentioned, are compleated, he then lay the same before the Judge of Probate for the County of Essex for allowance. [*Passed February 17.*]

## CHAPTER 157.

RESOLVE ALLOWING £12. 12 TO BENJ<sup>a</sup> AYRES.

Legislative  
Records of the  
Council, xxvi.,  
399.

Mass.  
Archives,  
lxxx., 633.  
House Jour-  
nal, pp. 240, 273,  
274.

A PETITION of Benj<sup>a</sup> Ayres of Ipswich Setting forth That in 1761 he served during the Summer as a Soldier in the pay of the Province under Cap<sup>t</sup> Gideon Parker at Nova Scotia. That upon part of the Regiments return home he was by his own consent turned over to Cap<sup>t</sup> Johnson Moulton and served there under him for seven Months, but that his name is omitted in Cap<sup>t</sup> Moulton's Roll, and he thereby deprived of seven months pay. And praying relief.

Read &

*Resolved* that there be allowed and paid out of the public Treasury to Cap<sup>t</sup> Farley of Ipswich twelve pounds twelve shillings in full for the use of the petitioner. [*Passed February 17.*]

## CHAPTER 158.

ORDER ASSESSING A TAX OF ONE PENNY PER ACRE YEARLY FOR THREE YEARS ON LANDS IN CHARLEMONT.

Legislative  
Records of the  
Council, xxvi.,  
219, 406.

Legislative  
Records of the  
Council, xxv.,  
149; xxvi., 368.  
House Jour-  
nal, pp. 16, 17,  
255, 276, 301.  
Province  
Laws, iv., 1020,  
chap. 9; 1047,  
note; xli., 275,  
chap. 33.

A PETITION of Aaron Rice Agent for the Town of Charlemont Setting forth, That the Grantees of said Township have so conducted their affairs as to have at this time only thirty Families settled therein, altho' the Grant was made near thirty years since upon the like conditions of Settlement as other Towns. That the general Court have already granted a Tax of One penny  $\text{p}$  Acre for three years on all the Lands in said Town for making Roads, building a Meeting House & Mills and for the support of Divine Worship notwithstanding which the Meeting House is only raised & covered that they have no Minister yet Settled, and one half of the Inhabitants are in low Circumstances, whereby they are rendered unable to do these things themselves. And praying that the Non-resident proprietors may be obliged to fulfil the conditions of Settlement so far as belongs to them, and that there may be a tax of



one penny p Acre for the term of three years granted on all the Lands lying in said Town for the purposes beforementioned.

Read and

*Ordered* that there be a Tax of one penny p Acre yearly granted for three years upon all the Lands in the Town of Charlemont, (public Lands excepted) and that the money thereby arising be applied as follows viz<sup>t</sup> Fifty pounds part of said money towards finishing the Meeting House already set up in said Town, and that the remainder of it be applied to pay for Preaching the Gospel and settling and supporting a Minister. And that the said Tax be final so far as respects those proprietors who have settled a proportionable number of Families in said Town: The Petitioners to enter an Account of their doings in the Town Books. [*Passed February 18.*]

## CHAPTER 159.

### ORDER DIRECTING THE RELEASE OF ISAAC SPOOR FROM GOAL.

IN THE HOUSE OF REPRESENTATIVES. On the Petition of Isaac Spoor Constable of the District of Egremont. Whereas it appears to this House that the Assessment committed to him to collect amounted to the Sum of £64.4.6, of which he hath paid £16.9.8 into the Treasury, the balance being Forty seven pounds, fourteen shillings and ten pence due to the Province, for which he is now committed to Prison.

Legislative  
Records of the  
Council, xxvi.,  
407.

House Jour-  
nal, pp. 264, 288.

*Ordered* That the keeper of his Majesty's Goal in Great Barrington, forthwith liberate the said Isaac from said Goal without Fee or charge: Provided He the said Isaac shall give Bond to the Selectmen or Treasurer of said Town with sufficient surety that he will do his utmost endeavour to collect the said Sum of £47.14.10 and pay what he shall be enabled so to collect into the Treasury of the Province within six Months, and to the performance whereof, the said Isaac is hereby ordered, and as fully impowered as if the time of the first Collection had not been expired. And the Province Treasurer is hereby directed and impowered to issue out a new Warrant to the said Isaac accordingly. And that part of his petition respecting his charge and sufferings, shall be referred to the further consideration of this Court.

In Council, Read & Concurred. [*Passed February 19.*]

## CHAPTER 160.

### RESOLVE IMPOWERING THOMAS DANFORTH AND ABIGAIL HIS WIFE, ADM<sup>s</sup>, TO SELL PART OF AN ESTATE.

A PETITION of Thomas Danforth of Billerica and Abigail his Wife Admin<sup>s</sup> of the Estate of her late Husband Abel Fox of said Billerica deceased setting forth That the said Abel died seized of a dwelling House and two Acres of Land in Billerica That she before her intermarriage with the said Thomas, thought that she had paid all the debts of her said former husband, but it afterwards appeared otherwise, and [in] 1766 the said Thomas was Sued and

Legislative  
Records of the  
Council, xxvi.,  
408.

House Jour-  
nal, pp. 291, 292.

imprisoned for a debt of the said Abel of twelve pounds, and was with much difficulty discharged. And praying that they may be enabled to make Sale of some part of the Estate of the said Abel for the discharge of the debt aforesaid.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the petitioners are hereby impowered to make Sale of so much of the Real Estate of Abel Fox of Billerica aforesaid in the aforesaid Petition mentioned as shall pay the Sum of Twelve pounds lawful money together with the charges of such Sale, and to execute a good deed or deeds of the same. [*Passed February 19.*]

## CHAPTER 161.

### RESOLVE IMPOWERING JOSEPH MOORS, ADMIN<sup>r</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxvi.,  
410.

House Jour-  
nal, p. 289.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joseph Moors of Groton Admin<sup>r</sup> of the Estate of Jonathan Moors late of Shirley deceased Setting forth That the said Jonathan's personal Estate is not sufficient by £42 to pay his just debts besides charges of settling; that he died seized of about 80 Acres of Land with a small dwelling House and an old Barn thereon, lying in Shirley aforesaid. And praying that he may be impowered to sell the same in order to discharge the said debts, he to be accountable.

[Read and]

*Resolved* that [the]<sup>1</sup> Petitioner in his said capacity be and hereby is impowered to make Sale of the whole of the Real Estate of the said Jonathan Moors, and to execute a good deed or deeds in Law of the same; he observing the Rules and directions of the Law of this Province respecting the Sale of Real Estates. Provided he give sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds thereof be applied for the purposes mentioned in the Petition. [*Passed February 19.*]

## CHAPTER 162.

### RESOLVE IMPOWERING JOSEPH EMES, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
411.

House Jour-  
nal, pp. 279, 291.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joseph Emes of Framingham Guardian of Abigail Gleason a Minor now in her 20<sup>th</sup> year Setting forth, That the said Abigail had set off to her of the Estate of her late Father Eben<sup>r</sup> Gleason of said Framingham deceased 3 small pieces of Land, one containing three Acres, another six and another one, with one third of two third parts of the Buildings left by her said Father, and of a Barn built since his death: that she is now about marrying, and is desirous, as is also her Mother and other Friends, that the same may be sold to enable her to go to Housekeeping. And praying that he may be impowered to make Sale of the same accordingly.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the within named Joseph Emes be and he hereby is impowered in his

<sup>1</sup> Inserted from the House Journal, p. 289.

capacity to make Sale of the premises mentioned in this Petition for the most the same will fetch, and to make and execute a good deed or deeds in Law to the purchaser, he observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and the proceeds arising by sale to be applied for the benefit of the said Abigail. [*Passed February 19.*]

## CHAPTER 163.

### RESOLVE IMPOWERING ISRAEL STEVENS, EXECUTOR, TO SELL REAL ESTATE.

A PETITION of Israel Stevens of Grafton Exec<sup>r</sup> of the last Will & Testament of Jacob Stevens late of Stowe deceased Setting forth That the debts due from the said deceaseds Estate amount to Five pounds twelve shillings and seven pence more than the said deceaseds Personal Estate: that he died seized of two small pieces of unimproved Land lying in Stow amounting to but little, if any thing more in value than the Sum aforesaid. And praying that he may be impowered to make Sale of the said Lands in order to discharge the forementioned debts.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the petitioner Israel Stevens in his said capacity be, and hereby is impowered to make sale of the two small pieces of Land in the Petition mentioned for the most the same will fetch, and to make and Execute a good deed or deeds thereof; he observing the directions of the Law relating to the Sale of Real Estates by Executors & Admin<sup>rs</sup> and giving sufficient security to the Judge of Probate for the County of Middlesex that he will duly account for the proceeds thereof. [*Passed February 19.*]

Legislative  
Records of the  
Council, xxvi.,  
412.

House Jour-  
nal, pp. 265, 291.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 164.

### RESOLVE IMPOWERING JOHN JONES, ATTY, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

*Resolved* that the Prayer of the Petition of John Jones Attorney to Samuel Ompany and Zurviah Ompany be Granted, and that the said John Jones, be and he is hereby Impowered to make Sale of the Several Tracts of Land mentioned in S<sup>d</sup> Petition for the most they will fetch and to make and Execute a Good Deed or Deeds in the Law to the Purchaser he Observing the Directions of the Law relative to the Sale of real Estates by Executors & Administrators and Giving Sufficient Caution to the Judge of Probate for the County of Middlesex that the Proceeds arising by Such Sale Shall be Secured & transmitted to M<sup>r</sup> Zachariah Mayhew & Jonathan Allen Esq<sup>rs</sup> of Chilmark on Marthas Vinyard by them to be kept on Interest for the benefit of the Said Samuel Ompany and Zurviah Ompany and their Heirs Excepting only Ten Pounds (if need be) to be Applied towards finishing the House in Said Petition Mentioned and to pur-

Legislative  
Records of the  
Council, xxvi.,  
412. Mass.  
Archives,  
xxxiii., 301.

Mass.  
Archives,  
xxxi., 390–  
393. Legisla-  
tive Records  
of the Council,  
xxvi., 219.  
House Jour-  
nal, pp. 38, 70,  
274, 275. Prov-  
ince Laws,  
ii., 151, chap.  
10.

chas them the Said Samuel and Zurviah Such things as may be Necessary the Said Zachariah Mayhew & Jonathan Allen to be Accountable to this Court. [*Passed February 19.*]

## CHAPTER 165.

### RESOLVE IMPOWERING JOHN HALE TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
413.

House Jour-  
nal, pp. 236, 286.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of John Hale of Boxford Setting forth That Thomas Jewit late of Winchendon gave by Will to his four Sons, Daniel, David, Moses and Enoch Jewit certain Lots or parcels of Land in s<sup>d</sup> Winchendon: that great charges have since arisen on said Lands, which their friends have paid so far as they are able, but that some part at least must now be sold for defreying said Charges, and should they be sold by the proprietors Committee in the usual way, they would sell to great disadvantage And praying that he may be impowered to sell the whole of said Lands; He to be accountable.

Read &

*Resolved* that the petitioner John Hale be, and hereby is authorized and impowered to make Sale of the Lands mentioned in the Petition viz<sup>t</sup> all of it which belongs to David, Moses & Enoch, and to make and execute a good deed or deeds of the same, he observing the directions of the Law respecting the Sale of Real Estate by Executors & Admin<sup>rs</sup>, and giving sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale shall be applied in the manner following viz<sup>t</sup> after the debts which are now due upon said Lands are paid, the remaining part of the proceeds of said Sale be put to interest for the benefit of the said David, Moses & Enoch. [*Passed February 20.*]

## CHAPTER 166.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
414.

House Jour-  
nal, pp. 14, 304.

AN ACCOUNT of Gershon Cathcart Treasurer of Dukes County having been presented for allowance the following Order passed thereon viz<sup>t</sup>

*Resolved* that the foregoing Account being right cast and well vouched be accepted, and that the Treasurer be discharged of the Sum of One hundred and twenty two pounds, seventeen shillings and two pence which he has paid by order of the Court of Sessions, and that he be further accountable for a balance of One pound, one shilling, one farthing still remaining due to the County. [*Passed February 20.*]

## CHAPTER 167.

RESOLVE IMPOWERING JON<sup>A</sup> WINGATE AND HANNAH HIS WIFE, ADM<sup>X</sup>,  
TO EXECUTE A DEED.

A PETITION of Jonathan Wingate and Hannah his Wife as she the said Hannah was Administratrix of the Estate of her late husband Samuel Beard late of Scarborough deceased Setting forth That the said Samuel on the 23<sup>d</sup> of February 1739 gave to one Walter Foss a note of hand for the Sum of Two hundred pounds as a security for his giving to said Walter a Deed of his the said Samuel's part of the Overplus Land so called then being in Biddeford, but now in Pepperelborough, but that he did not live to execute the said Deed. And praying that they may be impowered to give the Deed aforesaid, that so the said Note may be cancelled.

[Read and]

*Resolved* that the prayer of the Petition be granted; and that the Petitioner for the reasons set forth in the petition be, and they are hereby impowered to give & execute a good deed in Law to the said Walter Foss of the Overplus Lands mentioned in the Petition.

[*Passed February 20.*]

Legislative  
Records of the  
Council, xxvi.,  
414.

House Jour-  
nal, pp. 237, 285,  
286.

## CHAPTER 168.

ORDER ASSESSING A TAX OF A HALF PENNY PER ACRE FOR THREE  
YEARS ON LANDS OF NON-RESIDENT PROPRIETORS IN FITCHBURG.

A PETITION of Amos Kimball Agent of the Town of Fitchburgh Setting forth That the said Town was lately set off from Lunenburg, that two public Roads & most of the Bridges which were in Lunenburg now fall within Fitchburgh, that the said Roads running through rough & miry Lands are very expensive, besides which they have lately built a Meeting House & supported the public Worship in said Fitchburgh, which they find too heavy for them, and as the Lands of the Nonresident Proprietors are greatly benefited by these means Praying that a Tax of one penny <sup>p</sup> acre may be laid on said Lands for the term of three years to defrey the charges aforesaid.

Read and

*Ordered* that the Petition be so far granted as that there be a yearly Tax of half penny <sup>p</sup> acre laid upon the Lands of the Non-resident Proprietors in said Township for the term of three years That the money raised by said Tax be applied to the making & repairing Bridges and Roads in said Town & for no other purpose whatever That the assessors and Constables or Collectors of said Township be respectively impowered to assess and collect the same; and in case any of said Proprietors shall neglect or refuse to pay their respective assessments that so much of their Land be sold as may be sufficient for that purpose, and to defrey the charges of Sale, and that the assessors of said Town be impowered to make & execute proper Deeds thereof, first giving notice of said Sale six weeks at least before it be made in all the Boston News papers three weeks successively & returning the Overplus if any there be, after said Sale to the owner on demand, and that the Town Clerk of the

Legislative  
Records of the  
Council, xxvi.,  
221. Mass.  
Archives,  
cxxxI., 442.

Legislative  
Records of the  
Council, xxvi.,  
423. House  
Journal, pp. 40,  
250, 251, 262, 273,  
311, 312. Prov-  
ince Laws, iv.,  
685, chap. 30.



Town of Fitchburgh shall by the first day of May which will be Anno Domini One thousand, seven hundred and seventy one exhibit to the Secretary of this Province a true account of the application of said Tax to be filed in his office for the inspection & satisfaction of the non resident proprietors. [*Passed February 21.*<sup>1</sup>

## CHAPTER 169.

### ORDER IMPOWERING JOHN MERRETT TO ENTER A COMPLAINT.

Legislative  
Records of the  
Council, xxvi.,  
422.

House Jour-  
nal, pp. 298, 311.

A PETITION of John Merrett of Providence in the Colony of Rhode Island Setting forth, That in Feb<sup>y</sup> last he recovered Judgment at the Inferior Court held at Northampton for the County of Hampshire against Ebenezer Davis of Ware in said County for the Sum of £19.8.5½ debt & £4.1.8 costs; from which Judgment the said Ebenezer appealed to the Superior Court holden at Springfield for the said County in September last, but did not prosecute his Appeal. And the petitioner furnished himself with Copies in order to enter his complaint at the Superior Court, but his attorney by mere accident forgot it. And praying that the said Court may be impowered to receive the Complaint and make up Judgment and award execution thereon.

Read &

*Ordered* that the prayer of the foregoing Petition be so far granted that the Petitioner be allowed to enter his Complaint at the next Superior Court of Judicature &c to be holden at Springfield within the County of Hampshire, and for the Counties of Hampshire & Berkshire on the last Tuesday of September next, against the said Eben<sup>r</sup> Davis for his not prosecuting his aforesaid Appeal: and the said Justices of the said Court are hereby fully impowered to receive said Petitioners Complaint, and to enter up Judgment thereon against said Ebenezer as pray'd for (if they shall see fit) and that said Judgment shall be as valid as if the same complaint had been entered and Judgment thereon made at the last Superior Court. [*Passed February 23.*

## CHAPTER 170.

### RESOLVE IMPOWERING JOHN BALL, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
426.

House Jour-  
nal, pp. 293, 318.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Ball of Boston Guardian of Victor, John and Hannah Blair Children of Eben<sup>r</sup> Blair late of Boston deceased Setting forth That there was set off to the said Children one third part of a piece of Land with an old Building thereon being part of the Estate of their uncle Bethel Blair dec<sup>d</sup> fronting fifty foot on purchase Street, of about 70 feet in depth; that about sixteen feet of said fifty with an old irreparable Shop thereon, fell to the share of the said Children, which can be of little advantage to them as it lyes. And praying that he may have liberty to make Sale thereof for the benefit of the said Children.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 23.



Read &

*Resolved* that John Ball Guardian to Victor, John & Hannah Blair mentioned in this Petition be, and hereby is empowered in his said capacity to make Sale of the premises within mentioned for the most the same will fetch, and to make and execute a good deed of the same to the purchaser; he observing the Rules and directions of the Law for the Sale of Real Estates by Executors & Administrators, and the monies arising by such Sale to be put to interest for the benefit of the said minors. [*Passed February 24.*]

## CHAPTER 171.

RESOLVE IMPOWERING ELIZ<sup>A</sup> RIDER, ADM<sup>X</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Rider of Douglas Adm<sup>x</sup> of the Estate of Joseph Rider late of Douglas deceased Setting forth That the deceaseds debts amount to twelve pounds more than his personal Estate: that he died Seized of about forty eight Acres of Land only twelve of which are under improvement, & the rest is poor Land scarce worth the clearing, the House upon it small and unfinished, and no Barn: that he left a Family of Children, the oldest not eleven years of age, and that it would be for their interest to have the premises sold. And praying that she may be empowered to sell the same accordingly.

The facts set forth in the Petition being true,

*Resolved* That the said Elizabeth Rider in her said Capacity be, and she hereby is empowered to make Sale of the whole of the Real Estate of the deceased mentioned in the Petition for the most the same will fetch, and to make and execute a good deed or deeds in Law to the purchaser; She observing the direction in the Law respecting the Sale of Real Estates by Executors & Admin<sup>rs</sup>, and giving proper caution to the Judge of Probate for the County of Worcester that the money arising by such Sale be applied for the payment of the just debts of the dec<sup>d</sup> and the remainder for the benefit of the Heirs. And the Judge of Probate for the County of Worcester is hereby empowered to take security for the payment of the Interest of one third part of the proceeds of the Sale of said Estate to the said Elizabeth during her natural life in lieu of her right of Dower in s<sup>d</sup> Estate. [*Passed February 24.*]

Legislative  
Records of the  
Council, xxvi.,  
427.

House Jour-  
nal, pp. 240, 290,  
305, 306, 325.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 172.

RESOLVE IMPOWERING ASA STOWERS AND REBECCA HIS WIFE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Asa Stowers and Rebecca his Wife as she is Guardian to Jonathan Lynd a Minor about ten years of age Setting forth, That Cap<sup>t</sup> Daniel Denny late of Leicester gave to the said Jonathan his Grandson by his last Will a piece of Land in said Leicester containing about thirty eight Acres which is under a Mortgage for the payment of about One hundred and twenty pounds

Legislative  
Records of the  
Council, xxvi.,  
429.

House Jour-  
nal, pp. 18, 321.  
Province  
Laws, ii., 151,  
chap. 10.

to one Phœbe Read, about nine Acres of which is set to a Widow during her natural life. And praying she may be impowered to sell the said nine Acres in order to discharge the said Mortgage.

The facts set forth in this Petition appearing to be true; therefore

*Resolved* That the prayer of this Petition be granted; and that the Petitioners in their capacity be, and hereby are impowered to make Sale of the nine Acres of Land mentioned in this Petition for the most the same will fetch and to make and execute a good deed or deeds to the purchaser, they observing the rules and directions in the Law for the Sale of Real Estate by Exec<sup>rs</sup> & Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Worcester that the monies arising by said Sale be applied for the discharge of the Mortgage to the said Phœbe Read, and the Overplus, if any there be, to be put to interest for the benefit of the said Jonathan Lynd. [*Passed February 25.*]

## CHAPTER 173.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF CERTAIN INHABITANTS OF FALMOUTH TO BE ANNEXED TO THE DISTRICT OF CAPE ELIZABETH.

Legislative  
Records of the  
Council, xxvi.,  
430.

Legislative  
Records of the  
Council, xxv.,  
384. House  
Journal,  
pp. 236, 319.  
Province  
Laws, iv., 838,  
chap. 25; 872,  
note; xvi., 445,  
chap. 213.

A PETITION of a number of the Inhabitants of Cape Elizabeth, formerly the second parish in Falmouth who were some time since set off from the said second to the first parish in Falmouth Setting forth That they had since petitioned to be set back to the second parish, the prayer whereof they imagine was granted in effect, tho' not in form: And praying that they or as many of them as think fit, may be set off from the first parish in Falmouth to the District of Cape Elizabeth.

Read &

*Ordered* that the petitioners notify the District of Cape Elizabeth, and the first parish in Falmouth by leaving a Copy of this Petition and Order with each of their respective Clerks: And the Petitioners are also ordered to notify the persons mentioned in their Petition to be taxed by causing the said Petition and Order to be read to them respectively, or a Copy thereof left at their place of dwelling, so that all parties concerned may have opportunity to be heard upon the same on the second Wednesday of the Session of the General Court in May next; and the Collection of the Taxes of those persons referred to in this Petition is ordered to be stayed until the further Order of this Court. [*Passed February 25.*]

## CHAPTER 174.

### ORDER DIRECTING THE OVERSEERS OF THE POOR OF THE TOWN OF ROXBURY TO TAKE IMMEDIATE CARE OF ROBERT BOSWORTH.

Legislative  
Records of the  
Council, xxvi.,  
432.

A PETITION of the Selectmen of Dorchester, Roxbury and Brooklyn Setting forth That one Robert Bosworth a stranger & delirious has for divers years past made it his practice to wander about

from House to House in the said Towns to the great annoyance & disturbance of the Inhabitants, and to the endangering his own life, as he has no settled place of aboad, and no other Shelter in some of the severest weather but such Barns as he happens to light upon. And praying the order of this Court respecting the said Robert.

Read and

*Ordered* that the Overseers of the poor of the Town of Roxbury take immediate care of the within named Robert Bosworth by procuring suitable Cloathing and subsistence for him in as reasonable manner as his circumstances will admit of; and that he be employed in some business, if capable thereof, And that they render an account of their disbursements in order to receive out of the public Treasury all such Sum or sums of money as may be needful for his support more than the fruits of his own labour during the pleasure of this Court. [*Passed February 25.*]

House Journal, pp. 292, 323.

## CHAPTER 175.

### RESOLVE ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE HASANIMISCO INDIANS.

THE ACCOUNT of the Trustees of the Hasanamisco Indians appointed by the General Court to receive the Interest money arising by the Sale of their Lands was presented for allowance

Signed ARTEMAS WARD TIM<sup>O</sup> PAINE

Whereupon the following Order passed. viz<sup>t</sup>

*Resolved* that the Said guardians be & hereby are further accountable for the Sum of Two pounds fourteen Shillings & Eight pence above mentioned. [*Passed February 25.*]

Legislative Records of the Council, xxvi., 434. Mass. Archives, xxxiii., 414.

House Journal, p. 323. Province Laws, xvii., 269, chap. 104.

## CHAPTER 176.

### ORDER ALLOWING £48. 12. 3 TO PHIN<sup>S</sup> LOVET.

A PETITION of Phineas Lovet Captain of the military Foot Company in the Town of Mendon Setting forth That in the years 1758 & 1759 He was by a Law of this Province obliged to raise a certain number of Men for the general Service of the War: that the Government allowed a certain Sum as a bounty to encourage Men to enlist, and provided that in case a sufficient number should not enlist by a certain day there should be an impress to compleat the Quota of each Company; and in case there should be any of the people called Quakers liable to be impressed, the Captain of the Company to which they belonged were impowered & required to employ a Sum not exceeding £13.6.8 ~~p~~ Man to hire one in the room of such Quaker, which Sum was to be assessed on such Quaker who was thus excused from a personal Impress. That the Province Bounty being insufficient to procure the men by enlistment, his Company agreed to Augment the Bounty in order to prevent an Impress; which proposal was communicated to one George Aldrich whom the Quakers had appointed to represent them, and he readily complied there-

Legislative Records of the Council, xxvi., 436. Mass. Archives, lxxx., 629.

Mass. Archives, lxxx., 627. House Journal, pp. 330, 331. Province Laws, iv., 192, 193, chap. 21; 635, note.

with; and by this means the inlistment was effected notwithstanding which the said Aldrich commenced an action against the Petitioner for the Sum assessed on him, alledging that as the men, upon Record appeared to be inlisted men, the Quakers were not by Law held to pay any part, and finally recovered of him £6.7.4 damages, and £15.8.3 Costs, for which Sums execution was issued, and he paid the money, besides other Charges & expences. And praying relief.

Read &

*Ordered* that there be allowd & paid to the Petitioner out of the publick Treasury the Sum of forty Eight Pounds twelve shillings & three pence in full Satisfaction for his Expence in the Suit brot against him by George Aldrich as set forth in the Petition. [*Passed February 26.*]

## CHAPTER 177.

RESOLVE REMITTING TO THE TOWN OF STURBRIDGE £20 FINE FOR NOT SUPPORTING A GRAMMAR SCHOOL.

In the House of Representatives

On the Petition of Moses Marcy Esq<sup>r</sup> Agent for the Town of Stirbridge Praying that a fine ordered upon said Town by the Court of Gen<sup>l</sup> Sessions of the peace in the County of Worcester for their not being Supplied with a Gramer School may Be Remitted to them

Whereas it appears to this House that the Inhabitants of said Town Labour under many Difficulties by Reason of their Scituation and have been Subjected to Great Charges in Settling a minister Therefore

*Resolved* that the fine mentioned in said Petition be Remitted to Said Town of Stirbridge and Said Town shall be, and Accordingly is hereby Discharged from the payment of the same

In Council Read & Concurred. [*Passed February 27.*]

Legislative  
Records of the  
Council, xxvi.,  
437. Mass.  
Archives,  
cxviii., 230.

Mass.  
Archives,  
cxviii., 229.  
House Jour-  
nal, pp. 305, 322,  
331.

## CHAPTER 178.

RESOLVE ALLOWING £2. 12. 5 TO JACOB MARTIN AND £2. 8. 10 TO JOHN LAKEMAN.

A PETITION of Jacob Martyn and John Lakeman both of Ipswich Setting forth That they inlisted into his majesty's Service in the pay of this Province on the 20<sup>th</sup> of March 1762 under Cap<sup>t</sup> Nathan Brigham, the said Martyn serving as a Sergeant, and Lakeman as a private, and that when the Roll was made up they were by mistake entered on the 26<sup>th</sup> day of April. And praying Relief.

[Read and]

*Resolved* that the Prayer of the Petition be Granted and there be paid out of the Publick Treasury to Cap<sup>t</sup> Mechael Farley the sum of Two pounds Twelue Shillings & 5<sup>d</sup> for the use of the Petit<sup>r</sup> Jacob Martyn and the Sum of Two pounds Eight Shillings and Ten Pence for the use of the Petit<sup>r</sup> John Lakeman In full to Compleat the wages Due to Each of the Petitioners. [*Passed February 27.*]

Legislative  
Records of the  
Council, xxvi.,  
438. Mass.  
Archives,  
lxxx., 635.

Mass.  
Archives,  
lxxx., 634.  
House Jour-  
nal, p. 339.

## CHAPTER 179.

## RESOLVE ALLOWING £183 TO HARRISON GRAY, TREASURER.

A PETITION of Harrison Gray Esq<sup>r</sup> Province Treasurer, praying an allowance for his extraordinary Service in borrowing money and issuing the Securities for the same; for paying the Interest due on former Securities, and drawing Bills of Exchange on the Agent, for which Services the Court have made him allowances extraordinary in time past.

[Read and]

*Resolved*, That the Sum of one hundred & eighty three pounds be granted & paid out of the publick Treasury to the Petitioner in full Consideration of the extraordinary Services mentioned in his Petition. [*Passed February 27.*]

Legislative  
Records of the  
Council, xxvi.,  
428. Mass.  
Archives, civ.,  
415.

Mass.  
Archives, civ.,  
414. House  
Journal,  
pp. 300, 337.  
Province  
Laws, xvii.,  
633, chap. 278.  
*Ante*, p. 104,  
chap. 219.

## CHAPTER 180.

RESOLVE ALLOWING £100 TO AND<sup>w</sup> OLIVER, SECRETARY.

A PETITION of Andrew Oliver Esq<sup>r</sup> Secretary of the Province, representing that the Fees & Emoluments of his place have in the year past fallen short of what they had heretofore been, although his time has been equally employed in attending on the business of the Court: That the Station he is in, is confessedly a place of great labour & care, which he has dearly experienced in the injury done his health by a close attention to the business belonging to it; and that his public Station demands a greater expence than would be expected in private life: And after acknowledging with gratitude the usual Grants which have been made him the present Session, amounting to £140 Praying for a further allowance as well for himself as to procure assistance in the business of his office.

[Read and]

*Resolved* that the Sum of One hundred pounds be allowed and paid out of the public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province to enable him to pay for assistance in his office the year past. [*Passed February 28.*]

Legislative  
Records of the  
Council, xxvi.,  
441.

House Jour-  
nal, pp. 316, 337.  
Province  
*Ante*, p. 182,  
chap. 145.

## CHAPTER 181.

## RESOLVE ALLOWING £120 TO WILLIAM BAKER, DOORKEEPER.

A PETITION of William Baker Doorkeeper to his Excellency the Governor and messenger of the two Houses Setting forth That the whole of his time is spent in the said Services, and that being obliged to live near the Court House, he sits at a great Rent. And praying an allowance.

[Read and]

*Resolved* that there be allowed and paid out of the public Treasury the sum of One hundred and twenty pounds to M<sup>r</sup> William Baker doorkeeper to his Excellency the Governor & this Court for his Service for one year to be paid quarterly. [*Passed February 28.*]

Legislative  
Records of the  
Council, xxvi.,  
442.

House Jour-  
nal, p. 339.



## CHAPTER 182.

## ORDER ALLOWING £400 TO THE SUFFERERS BY FIRE IN BOSTON.

Legislative  
Records of the  
Council, xxvi.,  
442. Mass.  
Archives,  
lxxxvii., 113.

Mass.  
Archives,  
lxxxvii., 112.  
House Jour-  
nal, pp. 264, 340,  
341.

A PETITION of the Selectmen of the Town of Boston Setting forth That on the 3<sup>d</sup> Instant a Fire brake out in the said Town whereby between forty & fifty Families were burnt out and lost their Houses & great part of their furniture and Provisions, the most of whom are reduced to the extremest necessity. And as the said Town is not yet recovered from the distresses brought upon it by a former Fire, and by the small pox which lately passed through it, Praying such Relief to those Sufferers who are real objects of Charity as this Court shall judge meet.

[Read and]

*Ordered* that there be allowd & paid out of the publick Treasury the Sum of Four hundred Pounds, into the hands of the Selectmen of the Town of Boston, for the use & Comfort of those Sufferers by the late Fire in said Town who are proper Objects of immediate reliefe, to whom said Selectmen are hereby impowred to distribute the same in proportion to their several Losses. [*Passed February 28.*]

## CHAPTER 183.

## ORDER DESIRING THE GOVERNOR TO ISSUE A BRIEF, FOR COLLECTIONS IN BEHALF OF THE CHURCH AT NOBLETOWN AND ALLOWING £50 OUT OF PROVINCE TREASURY THEREFOR.

Legislative  
Records of the  
Council, xxvi.,  
322, 439.

Mass.  
Archives, xiv.,  
472. Legisla-  
tive Records of  
the Council,  
xxvi., 331, 394,  
395. House  
Journal,  
pp. 194, 198, 200,  
201, 285, 289, 337,  
338.

A PETITION of William Kellog in behalf of the Church and people at a place called Nobletown Setting forth That by the late most distressing depredations made on them by a number of people from New York Government, the Inhabitants are so reduced that they are utterly unable to contribute towards the support of the Gospel among them, and being now in Arrears about the Sum of £100 to the Rev<sup>d</sup> M<sup>r</sup> Smith their Minister which, under their present circumstances it is impossible for them to discharge, Praying that a Brief may be issued for their Relief.

[The com<sup>tee's</sup> report] Read, and so far accepted, as that his Excellency be desired to issue a Brief for making Collections in the several Towns, Districts and Parishes within the Counties of Hampshire, Berkshire and Worcester for the relief of the sufferers mentioned in said Petition, the money collected to be paid into the hands of John Ashley of Sheffield and Timothy Woodbridge of Stockbridge Esq<sup>rs</sup> to be by them distributed accordingly, to their best discretion. And

*Ordered* that the Sum of Fifty pounds be allowed and paid out of the public Treasury to the Petitioner to be distributed by John Ashley of Sheffield & Timothy Woodbridge of Stockbridge Esq<sup>rs</sup> for the immediate relief of the sufferers mentioned in the Petition: the said John Ashley and Tim<sup>o</sup> Woodbridge Esq<sup>rs</sup> to lay an account of such distribution before this Court. [*Passed March 3.*]



## CHAPTER 184.

## RESOLVE GRANTING TO ISAAC HALL LICENCE TO SELL STRONG DRINK.

A PETITION of Isaac Hall of Medford setting forth That he hath lately built a Still House in said Town, and hath obtained the approbation of the Selectmen to retail spirituous Liquors; but as the time for granting Licenses in the County of Middlesex will not arrive till September next, praying that the next Court of General Sessions of the peace for the said County may be impowered to grant him a License for the purpose.

[Read and]

*Resolved* that the prayer of the Petition be granted: and that the Justices of the General Sessions of the peace for the County of Middlesex be impowered (if they see cause) to grant the Petitioner a License at their next Session, the time for granting Licenses being elapsed notwithstanding he first obtaining the approbation of the Selectmen of the Town of Medford therefor. [*Passed March 3.*]

Legislative  
Records of the  
Council, xxvi.,  
443.

House Jour-  
nal, p. 343.

## CHAPTER 185.

## RESOLVE GRANTING THE PROPRIETORS OF SIX TOWNSHIPS EAST OF THE PENOBSCOT RIVER FURTHER TIME TO OBTAIN THE APPROBATION OF HIS MAJESTY.

A PETITION of Samuel Downe and Matthew Thornton in behalf of the Grantees of the six Townships in the Territory of Sagadahock granted to David Marsh and Others Praying that a further time may be granted them for obtaining his Majesty's Approbation of the Grant of this Court.

[Read and]

*Resolved*, That the Grantees of the six Townships east of Penobscot River granted by this Court in March 1762 (to David Marsh and others) be allowed the further Term of eighteen months to obtain his Majesties Approbation of the Grant mentioned. [*Passed March 3.*]

Legislative  
Records of the  
Council, xxvi.,  
445. Mass.  
Archives,  
cxviii., 216.

Mass.  
Archives,  
cxviii., 215.  
Legislative  
Records of the  
Council, xxvi.,  
240. House  
Journal,  
pp. 17, 56, 343,  
344. Province  
Laws, xvi.,  
575, chap. 144.

## CHAPTER 186.

## RESOLVE IMPOWERING SARAH SYLVESTER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Sylvester of Hanover Guardian to her only Child Matthew Sylvester a Minor now in the 14<sup>th</sup> year of his age Setting forth, That the said Minor is interested one sixth part in a dwelling House, Corn house and Barn in said Town which have no Land belonging thereto, but what the said Buildings cover: that she hath built a House on Land belonging to her said Son, which she is unable at present to finish: and as she hath now an opportunity of disposing of her Sons interest in the forementioned buildings, which can be of no advantage to him to hold. Praying that she may be

Legislative  
Records of the  
Council, xxvi.,  
445.

House Jour-  
nal, pp. 326, 344,  
345, 349. Prov-  
ince Laws, li.,  
151, chap. 10.

enabled to make Sale of the same in order to finish the House she has set up as aforesaid.

The facts set forth in this Petition appearing to be true, therefore

*Resolved* that the prayer of this Petition be granted, and the Petitioner in her said capacity as Guardian be, & hereby is impowered to make Sale of the premises mentioned in this Petition, for the most the same will fetch, and to make and execute a good deed thereof in Law to the purchaser, She observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and the money arising by the said Sale to be applied for the purposes mentioned in this Petition: and that she give sufficient caution to the Judge of Probate for the County of Plimouth that the said Money shall be applied accordingly. [*Passed March 3.*]

## CHAPTER 187.

### ORDER ALLOWING £14. 12. 11 TO W<sup>m</sup> KELLOGG.

Legislative  
Records of the  
Council, xxvi.,  
446. Mass.  
Archives,  
cxviii., 237.

WILLIAM KELLOGG presented to the Court an Account of the expences of four several Journeys from Nobletown to Boston in behalf of the distressed people of that place, and thereupon the following Order passed viz<sup>t</sup>

Mass.  
Archives,  
cxviii., 236.  
House Jour-  
nal, pp. 343, 345.  
*Ante*, p. 198,  
chap. 183.

*Ordered* that the foregoing Account be accepted & that there be allowd & paid out of the publick Treasury unto the said William Kellog the Sum of fourteen pounds twelve shillings & Eleven pence in full for the same. [*Passed March 3.*]

## CHAPTER 188.

### RESOLVE ALLOWING £50 ABATEMENT ON THE PROVINCE TAXES OF GLOUCESTER.

Legislative  
Records of the  
Council, xxvi.,  
448. Mass.  
Archives,  
cxviii., 221.

House Jour-  
nal, pp. 265, 348.

A PETITION of the Selectmen of Gloucester representing their losses in the course of the last year, having lost nine out of nineteen Fishing Schooners which sailed just before a violent Storm in March last, several others of them being much wreckt, besides which they lost one Vessel in the West Indies. And praying Relief.

Read & y<sup>e</sup> facts sett forth in the Petition appearing to be true

*Resolved* That y<sup>e</sup> Prayer of the Petition be granted & that the Sum of Fifty Pounds be abated the Town of Gloucester out of their Taxes for the year 1766 in consideration of their Losses & Sufferings. [*Passed March 4.*]

## CHAPTER 189.

## RESOLVE IN REGARD TO INTENDED SALES OF LANDS AND ASSESSMENTS IN THE DISTRICT OF OAKHAM.

WHEREAS the General Court in their present Session resolved upon the Petition of the Inhabitants of Oakham that the prayer of the said Petition should be so far granted that the present assessors of the District of Oakham should be empowered to compleat the Collection of Taxes in said Petition mentioned, as may at large appear by the said Resolve: But as some doubt arises respecting the notification of such intended Sales as are therein mentioned: It is further

*Resolved* That the Assessments and intended Sales therein mentioned shall beside their being posted as is therein expressed, be advertised in one or more of the Boston News papers for three weeks Successively three months before the time of Sale. [*Passed March 4.*]

Legislative  
Records of the  
Council, xxvi.,  
448.

House Jour-  
nal, pp. 174, 251,  
253, 260, 261, 352.  
*Ante*, p. 177,  
chap. 130.

## CHAPTER 190.

## ORDER ALLOWING £2. 14 TO THE COMMITTEE ON MUSTER ROLLS.

AN ACCOUNT of a Committee of the House of Representatives appointed the 4<sup>th</sup> of June last to examine the Muster Rolls in the Treasurers Office was presented for allowance Signed Stephen Hall *per* Order: Whereupon the following Order passed.

*Ordered* that the within Account be accepted, and that there be allowed and paid out of the public Treasury the sum of Two pounds, fourteen shillings to said Committee within mentioned in full discharge of said Account. [*Passed March 4.*]

Legislative  
Records of the  
Council, xxvi.,  
449.

House Jour-  
nal, pp. 39, 194,  
353.

## CHAPTER 191.

## RESOLVE DIRECTING THE TREASURER TO PAY SOLDIERS, THEIR ADMINISTRATORS, EXECUTORS, OR WIDOWS SUMS APPEARING UNPAID ON THE MUSTER ROLLS.

THE COMMITTEE appointed to sit in the Recess of the Court to examine the Muster Rolls at the Treasury, report as follows viz<sup>t</sup>

That they have attended that Service, and find that there now remains on said Rolls a number of Sums amounting in the whole to Two hundred & seventy seven pounds twelve shillings and one penny which have no  $\times$  made against them, nor any Receipts given for the payment of them. They further Report that there are several other Sums which tho' crossed have no names signed against them, of which the Committee took no Account, by reason that the Treasurer says he is fully persuaded he has discharged the same.

Signed STEPHEN HALL *per* Order

[Read and]

*Resolved* that the Province Treasurer be, and hereby is directed to pay unto the several Soldiers their Executors, Admin<sup>rs</sup> or respec-

Legislative  
Records of the  
Council, xxvi.,  
449.

House Jour-  
nal, pp. 39, 194,  
349. *Supra*,  
chap. 190.

tive Widows the Sums appearing upon the several Muster Rolls set against their names which remain unpaid, provided they apply for the same within two years next ensuing. [*Passed March 4.*]

## CHAPTER 192.

ORDER CONFIRMING A PLAN OF 8,544 ACRES OF EQUIVALENT LAND TO CAPT. HENRY YOUNG BROWN.

Legislative  
Records of the  
Council, xxvi.,  
450.

House Jour-  
nal, pp. 115, 346,  
350, 351. *Ante*,  
p. 140, chap. 54.

THE WITHIN PLAN of a Tract of Land containing eight thousand five hundred and forty four Acres granted by this Court in June last to Henry Young Brown, and by him laid out agreeable to said Grant, bounded as follows viz<sup>t</sup> begining at the Eastwardly corner of said Brown's Township near Pigwacket, thence South seventy eight degrees West four hundred Rods by said Town Line to a Pitch pine Tree marked HB 1766; thence South twenty seven degrees East sixteen hundred & thirty Rods to a Pitch pine Tree marked HB 1766; thence North Sixty degrees East nine hundred & sixty Rods to a Maple Tree marked HB 1766; thence North, twenty seven degrees West sixteen hundred & seventy two Rods to the Southeast side Line of Col<sup>o</sup> Joseph Frye's Township in Pleasant pond; thence South forty five degrees West by said Frye's Township to the first mentioned Bounds, was presented for acceptance and accordingly

*Ordered*, That it be and hereby is accepted, and the Lands therein contained is Confirmed unto him the said Henry Young Brown, his Heirs & Assigns forever, he complying with the conditions of the Grant; saving that the Families settled on this Grant shall be understood as part of the fifty nine Families he was obliged to settle by the Grant of his said Township. Provided the said Plan doth not exceed the quantity of Eight thousand five hundred & forty four Acres exclusive of allowance for Water & sag of Chain, & doth not interfere with any former Grant. [*Passed March 4.*]

## CHAPTER 193.

RESOLVE IMPOWERING THO<sup>s</sup> CUSHING, ESQ<sup>a</sup>, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
452.

House Jour-  
nal, pp. 336, 355,  
356.

A PETITION of Thomas Cushing of Boston Esq<sup>r</sup> Guardian to his two daughters Mary Cushing and Margaret Cushing Setting forth, That his late Brother Edward Cushing dec<sup>d</sup> devised by his last Will and Testament to his said two daughters one eighth part of a Warehouse in Boston, the remaining seven eighths of which is the property of the Petitioner. And as the said Warehouse is much out of repair, Praying that he may be empowered to make Sale of the said Children's share therein he to be accountable

Read and the facts appearing to be true;

*Resolved* that the prayer of the Petition be granted: and that the Petitioner be and he hereby is empowered to sell his Childrens Right in the premises mentioned in the Petition and to make and execute in due form of Law a deed or deeds of conveyance thereof to such person or persons as shall be willing to purchase the same, the pro-

ceeds of said Sale to be put out on interest for their benefit, he to account with the said Children as they severally arrive at lawful age for the same. [*Passed March 5.*]

## CHAPTER 194.

### ORDER GRANTING TO W<sup>m</sup> GOODHUE LICENCE TO KEEP AN INN.

A PETITION of William Goodhue Setting forth That upon the encouragement of a number of Gentlemen in Salem, he hath hired a House in the s<sup>d</sup> Town well accomodated for a Tavern, and hath obtained the approbation of the Selectmen for that purpose. And praying that the Court of General Sessions of the peace for the County of Essex may be impowered to grant him a License, the time by Law for granting Licenses being elapsed notwithstanding.

Read &

*Orderd* that the Prayer of the Pet<sup>n</sup> be granted & that the Justices of the Court of Gen<sup>l</sup> Sessions of the Peace for the County of Essex be & hereby are empowered at their next Session if they see Cause to grant the Pet<sup>r</sup> a Licence to keep a Tavern in Salem, as prayd for in the Pet<sup>n</sup> the time for granting Licences by Law appointed being elapsed notwithstanding, he producing to said Court a Certificate of the Approbation of the Selectmen of the Town of Salem. [*Passed March 5.*]

Legislative  
Records of the  
Council, xxvi.,  
453. Mass.  
Archives, cxi.,  
556.

House Jour-  
nal, pp. 332, 351,  
354.

## CHAPTER 195.

### RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIAN OF THE PUN- CAPAUG INDIANS.

JOSEPH BILLINGS Guardian to the Punkapog Indians presented his Account from March 1765 to January 1767 to the Court for allowance: Whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the said Joseph Billings be further accountable for the Sum of Eighteen pounds 17/11¼ accordingly. [*Passed March 6.*]

Legislative  
Records of the  
Council, xxvi.,  
456. Mass.  
Archives, xxxiii., 413.

Mass.  
Archives, xxxiii., 413.  
House Jour-  
nal, p. 287.  
Province  
Laws, xvii.,  
360, chap. 305.

## CHAPTER 196.

### RESOLVE ALLOWING £3. 0. 3 TO JOS: HAWLEY, ESQ.

A PETITION of Joseph Hawley Esq<sup>r</sup> Praying an allowance for his Service & Expence in attending a Town Meeting at Great Barrington by order of this Court in the last May Session.

[Read and]

*Resolved* that the Sum of Three pounds & three pence be allowed & paid out of the Province Treasury to Joseph Hawley Esq<sup>r</sup> for his Service and expence in attending a Town Meeting at the Town of Great Barrington in the County of Berkshire and acting as Moderator of the same as set forth in his Petition. And that the said

Legislative  
Records of the  
Council, xxvi.,  
456.

House Jour-  
nal, pp. 354, 363.  
*Ante*, p. 123,  
chap. 33.

Sum of Three pounds & three pence be added to the said Town of Barrington's proportion of the Province Tax the next year. [*Passed March 6.*]

## CHAPTER 197.

RESOLVE IMPOWERING JOHN READ, ESQ<sup>r</sup>, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
457.

House Jour-  
nal, p. 362.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of John Read of Fairfield in the Colony of Connecticut Esq<sup>r</sup> by his attorney William Read Esq<sup>r</sup> as the said John is Admin<sup>r</sup> of the Estate of their dec<sup>d</sup> Sister Ruth Hunn late of Fairfield Widow deceased Setting forth, That the deceaseds debts surmount the personal Estates and Credits the Sum of Three hundred and fifty pounds 18/5¼ which cannot be paid without the Sale of Real Estate. That the said Ruth died seized in fee Simple of about nine hundred Acres of Land in the District of Ware, leaving no issue, or other Heirs except Brothers and Sisters, who they the said John & William verily believe are all content it should be sold, it being generally unimproved & yielding no profit. And praying that he the said Admin<sup>r</sup> may be impowered to sell the said Lands in Ware, or so much of them as shall be sufficient to pay the debts afores<sup>d</sup>

The facts set forth in said Petition appearing to be true. Therefore

*Resolved* that the said John Read Admin<sup>r</sup> of the Estate of Ruth Hunn mentioned in this Petition be, and hereby is impowered to make Sale of so much of the Lands in said District of Ware which belonged to the said Ruth as will raise the Sum of Four hundred pounds lawful money to pay and discharge the just debts of the said deceased; as well the debts that are due in this Province, as those that are due in the Colony of Connecticut, and all necessary charges arising on said Sale. And he is hereby authorized in his own name to make, Seal, and execute good & sufficient deed or deeds in the Law to pass the Estate in s<sup>d</sup> Lands to the purchaser or purchasers thereof; he observing the Rules and directions of the Laws of this Province for the Sale of Real Estates by Exec<sup>rs</sup> & Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Hampshire that the monies arising by such Sale be applied to the purposes mentioned, and the remainder, if any be, to be duly distributed to & among the legal Representatives of the deceased according to the directions of the Laws of this Province. [*Passed March 6.*]

## CHAPTER 198.

RESOLVE IMPOWERING THO<sup>s</sup> CUMMINGS, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
458.

House Jour-  
nal, pp. 230, 364,  
366. Province  
Laws, II., 151,  
chap. 10.

A PETITION of Thomas Cummings Admin<sup>r</sup> of the Estate of Thomas Cummings late of Topsfield dec<sup>d</sup> Intestate, and of Joseph Cummings & Ann Cummings Guardians to Rhoda, Abraham, Josiah, Stephen, Daniel and Asa Cummings Minors, Children of the said deceased Setting forth That the said deceaseds debts surmount his personal Estate the Sum of £61.13.7½; that a considerable part of the deceaseds Real



Estate is poor Land, and will not admit of a Division among the Heirs who are eleven in number, and those of them who are of age are desirous of selling. And praying that the said Administrator singly or the Petitioners jointly may be empowered to make Sale of the said deceaseds whole Real Estate in Topsfield aforesaid containing about fifty four Acres; the Minors shares after payment of the debts afores<sup>d</sup> to be improved at interest for their benefit.

The facts set forth in this Petition appearing to be true; therefore

*Resolved* that the prayer of this Petition be granted, and the Petitioner is hereby empowered in his said capacity to make Sale of the whole of the Real Estate of the said deceased as mentioned in this Petition for the most the same will fetch, provided the legal Heirs to said Estate that are of lawful age join with the said Petitioner in the said Sale, and to make and execute a good deed or deeds in the Law to the purchaser or purchasers; he observing the Rules and directions in the Law relating to the Sale of Real Estates by Executors & admin<sup>rs</sup>, and the monies arising by said Sale to be applied to the purposes mentioned in this Petition: and that the petitioner give sufficient caution to the Judge of Probate for the County of Essex for the application thereof accordingly. [*Passed March 7.*]

## CHAPTER 199.

### RESOLVE IMPOWERING THE 1<sup>ST</sup> PARISH IN THE TOWN OF HAVERHILL TO CHOOSE A COLLECTOR OF TAXES.

A PETITION of the first Parish in *Haverhill*, praying that they may be empowered to appoint a suitable Person to collect the Taxes for the Year 1765, the Collector chosen for that purpose being infirm and unable to perform his Duty.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Inhabitants of the first parish of Haverhill be, & hereby are fully authorized at a Parish Meeting called for that purpose to choose a suitable person to collect the outstanding Taxes that are borne on the Tax Bills committed to Joshua Sawyer to collect A.D. 1765 who is represented infirm and unable to compleat said Collection. And the person so chosen shall be vested with all the powers and Authority to collect the same that the Collectors of Taxes by Law are vested withal: and is hereby directed and required to pay in his Collections to the Treasurer to whom the same are payable, and finish his Collections and settle his accounts with said Treasurer by the last day of August next: And the said Treasurer is hereby directed not to issue his Execution in the meantime. [*Passed March 7.*]

Legislative  
Records of the  
Council, xxvi.,  
459. House  
Journal, p. 346.

House Jour-  
nal, p. 356.

## CHAPTER 200.

### RESOLVE SETTING OFF CERTAIN PERSONS WITH THEIR ESTATES FROM THE EASTERLY TO THE FIRST PRECINCT IN MENDON.

A PETITION of Nathan Tyler and John Tyler both of Mendon and of Nathan Tyler of Upton setting forth That they are possessed of a Tract of Land with Buildings & improvements thereon

Legislative  
Records of the  
Council, xxvi.,  
463.

House Journal, pp. 354, 367.  
Province Laws, xlii., 68,  
chap. 127.

lying in said Mendon, which when the Easterly Precinct was set off, were annexed thereto, and there did duty 'till the year 1758, at which time upon application to said precinct, they discharged them from said duties and they have ever since been assessed towards all precinct Charges in the first precinct in said Town. And praying that they may be set off to the said first Precinct.

Read and

*Resolved* that Nathan Tyler & John Tyler both of Mendon with their Lands and Estates lying within the Easterly precinct of said Mendon, together with the Estate of Nathan Tyler of Upton lying in the said Precinct be, and hereby are set off from the said Easterly precinct in Mendon to the first precinct in said Mendon, there to do duty and receive privileges in the same manner they would have done had they not been included or set off to said Easterly Precinct. [*Passed March 7.*]

## CHAPTER 201.

RESOLVE IMPOWERING ABRAHAM SAWYER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxvi., 465.

House Journal, pp. 306, 320, 366. Province Laws, li., 151, chap. 10.

A PETITION of Abraham Sawyer Guardian to Anna Sarah and Abigail Sawyer Minors Children of his Brother John Sawyer late of Newbury deceased setting forth That the said deceased left no other Estate to his said Children but about two Acres of Land with one half of a very old House, and a very small old Barn both in a ruinous condition, and lying in a remote part of the Town of Newbury, which can be of little advantage to the said Minors. And praying that he may be impowered to sell the same, and improve the money it shall produce at interest for their use and benefit.

The facts set forth in this Petition appearing to be true; therefore

*Resolved* That the prayer of this Petition be granted and that the Petitioner in his said capacity be, & he hereby is impowered to make Sale of the premises mentioned in this Petition for the most the same will fetch, and to make and execute a good deed in Law to the purchaser, he observing the Rules and directions in the Law for the Sale of Real Estates by Exec<sup>rs</sup> and Admin<sup>rs</sup>, and the monies arising by such Sale to be put to interest for the benefit of the lawful Heirs. And that the Petitioner give sufficient caution to the Judge of Probate for the County of Essex for the application thereof accordingly. [*Passed March 9.*]

## CHAPTER 202.

RESOLVE IMPOWERING DAV<sup>D</sup> STOCKBRIDGE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxvi., 465.

House Journal, pp. 245, 319, 329, 346, 366.

A PETITION of David Stockbridge of Hanover Guardian to Luther Stetson a Minor Son of Job Stetson late of Scituate deceased Setting forth That the said Luther owns one quarter part of about forty Acres of Land lying in Scituate, with one quarter part of a dwelling House standing on the same; that it cannot well be divided;

that the Fences are in a ruinous condition, and the House will soon want Repairs. Therefore praying that he may be impowered to sell the said Minors share in the said Estate, and improve the money it shall fetch at interest for his benefit.

Province  
Laws, ii., 151,  
chap. 10.

The facts set forth in said Petition appearing to be true: Therefore

*Resolved* that David Stockbridge Guardian to Luther Stetson a Minor, be, and hereby is impowered to make Sale of the said premises mentioned in this petition for the most the same will fetch; and to make and execute a good deed or deeds of the same to the purchaser, he observing the rules and directions in the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and the monies arising by said Sale to be put on interest for the benefit of the said Luther: And that he give sufficient caution to the Judge of Probate for the County of Plimouth for the application thereof accordingly. [*Passed March 9.*]

## CHAPTER 203.

RESOLVE IMPOWERING THE SUPERIOR COURT OF JUDICATURE, ETC., TO RECOMMIT THE REPORT OF THE REFEREES IN REGARD TO A CERTAIN ACTION.

A PETITION of Sylvester Gardiner Esq<sup>r</sup> Setting forth That he had a dispute with Humphrey Purrington & Others about the Title of a Tract of Land in George Town in the County of Lincoln formerly the Estate of Job Lewis Esq<sup>r</sup> which was submitted to a Rule of Court in June Term 1765 to the final determination of certain Referrees who gave in their award & the same was received by the Court; but that it appears by the Plan taken by order of Court, and Letters of the several referrees since, that there was a mistake made in bounding the said Tract of Land: And praying that the said Referrees may be impowered to sit again; and make such alteration in their award as shall conform to their own determination, and put a final end to the Controversy.

Legislative  
Records of the  
Council, xxvi.,  
323, 466.

Legislative  
Records of the  
Council, xxvi.,  
444, 458. House  
Journal,  
pp. 188, 190, 191,  
285, 346, 364, 371.

Read and

*Resolved* that the Superior Court of Judicature, Court of Assize and General Goal delivery be, and hereby are authorized and impowered at their next sitting at Falmouth within and for the Counties of Cumberland and Lincoln on the fourth Tuesday of June next to recommit the Report made by the Hon<sup>ble</sup> Benjamin Lincoln, Jeremiah Powell and Francis Waldo Esq<sup>rs</sup> Referrees appointed in an Action of Trover between the said Gardner & Hinkley & others, as also for settling the Bounds of a Farm formerly Job Lewis's at the last Superior Court &c held at said Falmouth in June last, which Report was then and there accepted by said Court, so that the said Referrees may correct a mistake made by them in describing the Easterly bounds of the said Farm by which a Tract of Meadow or Swamp Land was intended by said Referrees to have been included; but as described in said Report may admit of a doubt: And the said Court are hereby authorized and impowered to accept said Report after its being amended as aforesaid in the same manner they would have done had the former Report never been accepted by said Court, and to enter up Judgment thereupon accordingly. [*Passed March 9.*]

## CHAPTER 204.

ORDER APPOINTING A COMMITTEE IN REGARD TO BOUNDARY LINE  
BETWEEN THIS PROVINCE AND NEW HAMPSHIRE.

Legislative  
Records of the  
Council, xxvi.,  
454. Mass.  
Archives, vi.,  
352.

Legislative  
Records of the  
Council, xxvi.,  
276, 341. House  
Journal, pp. 82,  
83, 347, 358, 361,  
362. Province  
Laws, xii., 706,  
chap. 92; xiii.,  
272, chap. 82;  
289, chap. 125;  
548, chap. 224;  
650, chap. 169.  
*Ante*, p. 43,  
chap. 82;  
p. 106, chap.  
222; p. 140,  
chap. 55.

THE COMMITTEE to whom was referred the Report of Col<sup>o</sup> Bagley and Others relative to the Boundary Line between this Province and that of New Hampshire together with the evidences accompanying the same; are humbly of opinion that the evidences aforesaid relative to the said Line be forthwith Recorded in the Province Records, as well as properly filed in the Secretary's Office, together with the plan and that Copies of the whole proceeding with the evidences aforesaid be by the Secretary transmitted to some suitable person appointed by this Court, by him to be laid before the proper Boards in Great Britain, and there to prosecute the affair till a final determination be obtained. In the mean time that a Committee be appointed by this Court to treat with the proprietors of Masons Grant so called, as their Claim extends upwards of twenty Miles upon the said Line, and make Report to the General Court at their Session in May next. All which is humbly submitted.

Signed BENJ<sup>A</sup> LINCOLN *p* Order

In the House of Representatives Read & accepted and

*Ordered* that the papers mentioned in the Report be transmitted by the Secretary to some person in London to be chosen by joint Ballot of the two Houses for the purposes mentioned. And that Cap<sup>t</sup> Gowen, and Cap<sup>t</sup> Henry Young Brown with such as the Hon<sup>ble</sup> Board shall join be a Committee to treat with the proprietors of Mason's Grant so called accordingly. Said Committee to report to the General Court at their Session in May next.

In Council. Read and Concurred and John Bradbury Esq<sup>r</sup> is joined in y<sup>e</sup> affair.

In the House of Representatives Read and

*Ordered* that Col<sup>o</sup> Bagley be of the Committee in room of Cap<sup>t</sup> Henry Young Brown, and that the Committee be instructed to collect all the proceedings relative to the settling and running the said Line in 1741 & other necessary Evidence to be transmitted to the person to be chosen.

In Council Read and Concurred. [*Passed March 10.*<sup>1</sup>]

## CHAPTER 205.

## RESOLVE DEDUCTING £3.14.6 FROM PROVINCE TAX OF GREAT BARRINGTON AND ADDING IT TO TOWN OF SHEFFIELD.

Legislative  
Records of the  
Council, xxvi.,  
469.

Legislative  
Records of the  
Council, xxvi.,  
198. House  
Journal,  
pp. 325, 326, 357.

A PETITION of Israel Dewey & others Selectmen of Great Barrington Setting forth That the Towns of Sheffield, Great Barrington and Egremont are joined by Law in the choice of Representatives & were to be assessed in proportion towards their pay; but that they apprehend there has been some mistake in proportioning the same this year, and that Great Barrington has been over rated. And praying relief.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is March 6.

Read and it appearing that the facts set forth in this Petition are true, and that there was a mistake in apportioning the Representatives pay in the Towns of Sheffield and Great Barrington, the Town of Sheffield's just proportion being £17.9.6 and the Town of Great Barringtons but £9.15.6 so that it appears that Great Barrington paid £3.14.6 more than its just proportion. Therefore

Province  
Laws, iv., 889,  
chap. 6; 996,  
note.

*Resolved* that said Sum of Three pounds, fourteen shillings and six pence be deducted out of the Town of Great Barrington's Province Tax in the next Tax Bill, and added to the Town of Sheffield.  
[*Passed March 10.*]

## CHAPTER 206.

### ORDER ALLOWING £11. 10 TO THE COMMITTEE IN REGARD TO A BRIDGE AT WESTFIELD.

THE COMMITTEE [appointed on the petition of the town of Westfield in regard to a bridge] presented an Account of their time and expence in going to Westfield to view: Upon which the following Order passed viz<sup>t</sup>

Legislative  
Records of the  
Council, xxvi.,  
470.

*Ordered* that there be allowed and paid out of the public Treasury to the several persons named in the within Account the several Sums set against their respective names amounting in the whole to the Sum of Eleven pounds ten shillings; and that the same be apportioned on the several Towns and Districts in the County of Hampshire in the next Province Tax. [*Passed March 10.*]

Legislative  
Records of the  
Council, xxvi.,  
166, 251, 433, 470.  
House Journal, pp. 81, 82,  
310, 327, 330, 343,  
373. Province  
Laws, iv., 1047-  
8, notes.

## CHAPTER 207.

### ORDER DIRECTING THE PROVINCE TREASURER TO PREPARE A LIST OF DEBTS DUE THE PROVINCE AND PUBLISH THE SAME.

*Ordered* that the Province Treasurer be, and hereby is directed to prepare a List of debts due from the several Towns and Districts within this Province in the late Treasurer Foye's day, and publish the same in all the Boston News papers that so the several Towns and Districts and the Sheriffs to whom Executions have been committed may be notified that they may shew cause on the second Wednesday of the next May Session of the General Court why the same has not been paid into the Treasury. [*Passed March 11.*]

Legislative  
Records of the  
Council, xxvi.,  
471.

House Journal, p. 374.  
Province  
Laws, xv., 107,  
chap. 249.

## CHAPTER 208.

### ORDER DIRECTING THE PROVINCE TREASURER TO NOTIFY PERSONS INDEBTED TO THE PROVINCE TO SETTLE ON OR BEFORE JUNE 10, 1867.

*Ordered* that the Province Treasurer be, and hereby is directed publickly to notify all such persons as are indebted to this Province upon Bond payable in or before the year 1764 that unless they discharge the same on or before the 10<sup>th</sup> of June next, their Bonds

Legislative  
Records of the  
Council, xxvi.,  
471.

House Journal, p. 374.



*Ante*, p. 98,  
chap. 204.

will be put in Suit. And that the said Treasurer also notify Timothy Ruggles, and Oliver Partridge Esq<sup>rs</sup> to pay the several balances which appeared to be due from them on their return from the late Congress at New York, on or before the said 10<sup>th</sup> of June next. [*Passed March 11.*]

## CHAPTER 209.

RESOLVE CONFIRMING 1,501 ACRES, 70 PERCH OF LAND TO THE HEIRS OF REV<sup>d</sup> THOMAS COBBET.

Legislative  
Records of the  
Council, xxvi.,  
473. Mass.  
Archives, xiv.,  
478.

Legislative  
Records of the  
Council, xxvi.,  
248, 249. House  
Journal, pp. 63,  
71, 72, 346, 347,  
368, 376, 377.  
*Ante*, p. 45,  
chap. 87.

WHEREAS on the 24<sup>th</sup> of June 1765 the General Court made a Grant to the Heirs and Assigns of the Rev<sup>d</sup> M<sup>r</sup> Thomas Cobbet (called by mistake in said Grant Corbet) of fifteen hundred acres of Land to be laid out and a plan thereof returned, as in said Grant mentioned. And Whereas in the Month of June last two Plans were returned, and the Land described therein confirmed to the said Heirs and their assigns excepting that his Excellency by reason of some informality did not Sign the Resolve of Confirmation.

*Resolved* That the two Plans aforesaid hereto annexed viz<sup>t</sup> One of them taken by Samuel Taylor Surveyor & Jonathan White and Josiah Ballard Chainmen and dated Charlemont August 15<sup>th</sup> 1765 and describing a Tract of Land containing One thousand and one acres and seventy perches; the other taken by Moses Hawks Surveyor & Jonathan White & Asaph White Chainmen & dated Charlemont March 2<sup>d</sup> 1766 and describing a Tract of five hundred acres: both which Tracts adjoin to each other and contain together fifteen hundred & one Acres & seventy perches and bounded as follows Viz<sup>t</sup> Beginning at an angle in Othniel Taylor's Country Grant, and thence running on said Grant South forty five degrees West two hundred and eighty four perch to a Maple Tree; thence West nineteen degrees North two hundred and twelve perch thence South thirty three & an half degrees West two hundred and seventy three perch; thence East on Ashfield former Line four hundred perch and on the same Line Six hundred and twenty five perch; thence North fourteen degrees East One hundred & eighty four perch on Deerfield Line; thence West nineteen degrees North five hundred and forty five perch on Jesse Wyman's Land to the first mentioned Line containing the Fifteen hundred and one Acres & seventy perch aforesaid; be and hereby are accepted, and the said described Land is hereby confirmed unto the Heirs and assigns of the Rev<sup>d</sup> M<sup>r</sup> Thomas Cobbet and to their Heirs and assigns forever; provided the quantity does not exceed fifteen hundred and one Acres & seventy perch, and does not interfere with any former Grant. [*Passed March 12.*]

## CHAPTER 210.

ORDER ALLOWING ABIG<sup>l</sup> SKINNER THE WAGES DUE HER HUSBAND.

Legislative  
Records of the  
Council, xxvi.,  
475. Mass.  
Archives, lxxx.,  
626.

A PETITION of Abigail Skinner of Lynn Widow setting forth That her late husband Joseph Skinner of Lynn inlisted in his Majesty's Service and the pay of this Province in 1758 under Cap<sup>t</sup> Jeremiah Richards, and died soon after his Return home before the pay Roll



was made up, nor did he ever, or any person for him receive any pay for his said Service. And praying an allowance.

Read &

*Ordered* that the Prayer be granted & that the Wages due to Joseph Skinner of Lyn dec<sup>d</sup> on the Roll referd to in the Petition be allowd & paid out of the publick Treasury into the Hands of M<sup>r</sup> Ebeneser Burrill of Lyn for the use of the Petitioner. [*Passed March 12.*]

House Journal, p. 358.

## CHAPTER 211.

VOTE APPOINTING DENNYS DE BERDT TO RECEIVE THE PAPERS IN REGARD TO THE LINE BETWEEN THIS PROVINCE AND NEW HAMPSHIRE.

Legislative Records of the Council, xxvi., 475. Mass. Archives, v., 278.

THE TWO HOUSES according to Agreement proceeded to the choice of a person to lay before the proper Boards in Great Britain the Evidence concerning the running the New Hampshire Line in 1741 and to prosecute the affair till a final determination be obtained. And the votes being collected and sorted, it appeared that Dennys De Berdt Esq<sup>r</sup> was chosen by a great Majority. [*Passed March 12.*]

Legislative Records of the Council, xxvi., 341, 355. House Journal, p. 383. Province Laws, xii., 559, chap. 202. *Ante*, p. 208, chap. 204.

## CHAPTER 212.

RESOLVE GRANTING 500 ACRES OF EQUIVALENT LAND TO S. WATTS, ESQ<sup>r</sup>, AND OTHERS.

THE FOLLOWING ORDER passed in consequence of a Petition of Samuel Watts Esq<sup>r</sup> and others who in June 1752 purchased a Tract of Land of the Government, since known by the name of Royalshire [praying an Equivalent to make good their purchase] viz<sup>t</sup>

*Resolved* that there be granted to Samuel Watts Esq<sup>r</sup> & others, the Original Proprietors of Royalston, five hundred acres of the unappropriated Lands of this Province in lieu of four hundred Acres claimed by Samuel Hunt and others, as in their Petition mentioned. Provided they return a plan taken by a Surveyor & Chainman under Oath within twelve Months into the Secretary's Office for Confirmation. [*Passed March 12.*]

Legislative Records of the Council, xxvi., 477.

Legislative Records of the Council, xxv., 345; xxvi., 222. House Journal, p. 378. Province Laws, xiv., 644, chap. 40.

## CHAPTER 213.

VOTE CHOOSING COMISSARIES TO SETTLE THE LINE BETWEEN THIS PROVINCE AND NEW YORK.

Legislative Records of the Council, xxvi., 478. Mass. Archives, iv., 211.

THE TWO HOUSES according to agreement proceeded to the choice of three Persons by joint ballot to act in conjunction with Such Persons as may be appointed by the Government of New York in settling the Boundary Line between the two Provinces. And the Votes being collected and sorted it appeared that the hon<sup>le</sup> Tho<sup>s</sup> Hutchinson and William Brattle Esq<sup>ts</sup> and Cap<sup>n</sup> Edward Sheaffe were chosen by a majority of Votes. [*Passed March 13.*]

Legislative Records of the Council, xxvi., 468 bis, 475. House Journal, p. 385. Province Laws, iv., 963, chap. 23; xv., 157, chap. 267.

## CHAPTER 214.

## ORDER ALLOWING £7.6 TO SETH WILLIAMS.

Legislative  
Records of the  
Council, xxvi.,  
479.

House Jour-  
nal, pp. 265, 369,  
383. Province  
Laws, xvi., 480,  
chap. 302.

A PETITION of Seth Williams of Taunton setting forth That he was employed as under Sheriff for the County of Bristol in the year 1757 to summon Witnesses living in divers Towns, some of them in the remotest part of the County to attend the General Court on a hearing before them relative to Col<sup>o</sup> Thomas Gilbert for which Service he hath received no recompence And praying an allowance agreeable to his account exhibited.

It appearing that the facts set forth in this Petition are true.

*Ordered* that the prayer of the Petition be so far granted as that the Sum of Seven pounds and six pence be paid out of the public Treasury to Seth Williams the petitioner in full for his Account herewith exhibited, and as set forth in this Petition. [*Passed March 13.*]

## CHAPTER 215.

RESOLVE ALLOWING TO NATH<sup>l</sup> HOUGHTON EXPENSES FOR SUPPORT OF INDIANS.

Legislative  
Records of the  
Council, xxvi.,  
480. Mass.  
Archives,  
xxxiii., 405.

House Jour-  
nal, pp. 348, 384.  
Province  
Laws, xvii.,  
360, chap. 305.

THE FOLLOWING ORDER passed on the Petition of Nathaniel Houghton of Milton [praying that he may be allowed for his Expenses in supporting one *Betty Pumpum*, an Indian, and her Child,] viz<sup>t</sup>

*Resolv'd* That M<sup>r</sup> Joseph Billings Guardian to the Punkpaug Indians pay unto Nathaniel Houghton the Sum of Six Pounds Four Shillings, in full Discharge of his Account for keeping And nursing Betty Pumpum in her last Sickness and Funeral and also for keeping her Child Thomas to the first Day of March Instant, and also a further Sum of Four Pounds Sixteen Shillings and Nine Pence to Discharge Doct<sup>r</sup> Holdens Bill against Said Houghton respecting the Said Betty. Out of the Monies belonging to the Punkapaug Indians. And that the Said Joseph Billings make further Provision for the Support of the Said Child in the cheapest manner he can. [*Passed March 13.*]

## CHAPTER 216.

## ORDER DISCHARGING THE COMMITTEE IMPOWERED TO SELL LANDS IN PLYMOUTH COUNTY.

Legislative  
Records of the  
Council, xxvi.,  
481. Mass.  
Archives,  
xlvi., 530.

Mass.  
Archives,  
xlvi., 529.  
House Jour-  
nal, pp. 271, 272,  
273, 384. *Ante*,  
p. 45, chap.  
198.

THE COMMITTEE empowered to make Sale of the Province Lands lying in the County of Plymouth, and also to sue for the possession of such as are in the hands of persons that shall refuse to deliver the same to the Province, have attended that service and beg leave to report as follows viz<sup>t</sup> That they repaired to the Town of Rochester and Sold the following Lands belonging to the Province to the highest bidder at public Vendue and gave deeds accordingly: One hundred and twelve Acres of Land formerly William Griffin's to John Burges for the Sum of £32 of which Sum he paid the Com-

mittee £2.8 and gave his Bond with Sureties for the Sum of £29.12/ payable to the Province Treasurer the 3<sup>d</sup> day of April next with lawful Interest for the same. One hundred and ten Acres formerly part of Samuel Sprague's deceased homestead to Nath<sup>l</sup> Sprague for the Sum of £67 of which he paid £8 and gave Bond with Sureties for the Sum of £59 payable to the Province Treasurer the 3<sup>d</sup> of April next with lawful Interest for the same. One hundred and fifty Acres formerly Lemuel Little's deceased to Joseph Haskell for £45 for which he gave his Bond with Sureties payable to the Province Treasurer the 3<sup>d</sup> day of April next. One hundred & one Acres formerly John Blackmore's deceased to Edward Morse for £15 of which he paid 15 shillings and gave his Bond with sureties for £14.5 payable to the Province Treasurer the 3<sup>d</sup> day of April next with lawful Interest for the same. Ten Acres of Land part of John White's deceased homestead to David Nye for £16.10/ of which he paid 18 shillings and gave his Bond with Sureties for £15.12/ payable to the Province Treasurer the 3<sup>d</sup> day of April next with interest for the same. Forty eight Acres to Ebenezer Briggs for £8.8/ of which he paid 8 shillings and gave his Bond with sureties for £8 payable to the Province Treasurer the 3<sup>d</sup> day of April next with lawful interest, for the same. Nineteen Acres of Land in Middleboro' to John Paris for £22 of which he paid 24 shillings and gave his Bond for £20.16/ payable to the Province Treasurer the 3<sup>d</sup> day of April next with interest for the same: Which several Bonds & Money, the Committee have delivered to the Province Treasurer. And the Committee beg leave further to Report that the sixty Acre Lots in the Majors purchase so called in Pembroke Mortgaged to the Province by Isaac Barker deceased, of which possession has been taken for the Province and great part of the money paid, and there remains due £25.6.9 with the interest thereof from the year 1739 which his Heirs neglect to pay tho' often demanded: the Committee apprehend there is a necessity for suing for the same. That there is 20 Acres of very good Wood & Timber Land in Rochester, which Joseph Prince Mortgaged to the Province in the year 1718 for £25 no part paid: One Joseph Pitcher & Samuel Hoskins got into possession of it, refuse to deliver it up, the Records of the Bounds being defaced on their proprietors Book yet the Committee apprehend they ought to bring an Ejectment against them for it, and not give up the Province Right to it without any Consideration. That there is 45 Acres of Land lying in Pembroke mortgaged to the Province by Nath<sup>l</sup> Nichols for £85 and possession thereof given up to the Province in the year 1729 since which great part of the money has been paid, and the Committee have encouragement of receiving the whole. That Timothy Stetson of Pembroke in the year 1719 for £35 mortgaged two Lots in the 16 shilling purchase in Middleborough being the 9<sup>th</sup> Lot containing 28 Acres & the 23<sup>d</sup> Lot containing 30 Acres, and also the 56<sup>th</sup> lot in the South purchase containing 45 Acres which your Committee have not had time to settle.

Thus far your Committee have proceeded touching the Province Lands in the County of Plimouth whereby your Excellency & Honors will see what Articles they have finished, which they pray for your acceptance of: and as to what is unfinished your Committee propose to proceed on and compleat with submission as soon as may be. All which is humbly submitted by order of the Committee

GAM<sup>L</sup> BRADFORD.

Read and Accepted. And

*Ordered* That the Committee be discharged of the money and of those Bonds which they have delivered to the Province Treasurer, and that they be directed to sit again and pursue to effect the purposes of their Appointment And the Committee are instructed to agree with the said John Pitcher & Samuel Hoskins upon the most equitable terms. [*Passed March 13.*]

## CHAPTER 217.

RESOLVE IMPOWERING SARAH WALKER, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
487.

House Jour-  
nal, pp. 323, 324,  
345, 388, 389.  
Province  
Laws, II., 151,  
chap. 10; xiii.,  
57, chap. 106.

A PETITION of Sarah Walker Admin<sup>x</sup> of the Estate of Isaac Walker late of Boston Merchant deceased Setting forth, That the said Isaac being at the time of his death in partnership with Joseph Green Esq<sup>r</sup> since deceased, together owed a large Sum in England which has been since lessened; but that by reason of many outstanding debts, the precarious situation of some of them, and the danger of a total loss of others if too suddenly pressed: the Heirs judge it most advisable to sell some outlands in order to discharge the debt aforesaid.

And praying that she may be impowered to make Sale of 2,000 Acres of Land lying in the Northwest corner of this Province, being part of a Tract of 8,000 Acres granted in the year 1741 to the said Green & Walker, and thereby prevent the growing interest on the said debt.

The facts set forth in this Petition appearing to be true: therefore *Resolved* That the prayer of this Petition be granted, and that the Petitioner be, and she hereby is impowered in her said capacity to make Sale of the two thousand Acres of Land mentioned in this Petition for the most it will sell for, and to make and execute a good deed or deeds in Law to the purchaser or purchasers; she observing the rules and directions of the Law respecting the Sale of Real Estates by Executors & Admin<sup>rs</sup>; she first giving sufficient caution to the Judge of Probate for the County of Suffolk that the monies arising by such sale be applied to the discharging of the debt mentioned in this Petition, and the overplus, if any there be, to be put to interest for the benefit of the lawful Heirs. [*Passed March 16.*]

## CHAPTER 218.

RESOLVE IMPOWERING JAMES PRESCOT TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxvi.,  
488.

House Jour-  
nal, pp. 280, 389.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Sarah Shead of Groton Widow setting forth That the Estate of her late husband Jonathan Shead of Pepperrell was insufficient to pay his just debts; that there was set off to her as her dower a poor small dwelling House and three Acres of Land which is no ways sufficient for her support, she being 70 years of age, and infirm. And praying leave to sell the said Estate for her better support.

The facts set forth in the Petition being true. Therefore

*Resolved* that the prayer thereof be so far granted as that James Prescott Esq<sup>r</sup> be, and hereby is impowered to make Sale of the premises therein mentioned for the most they will fetch, and make a good deed or deeds thereof in the Law he observing the Rules and directions of the Law for the Sale of Real Estates by Executors & Admin<sup>rs</sup>, and giving sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds arising by the Sale thereof shall be secured for the use and benefit of the legal Creditors of the deceased, and that only the interest of the money arising by the Sale be applied for the use and towards the support of the Petitioner. [*Passed March 16.*]

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## CHAPTER 219.

RESOLVE ALLOWING £12. 6. 6 TO Y<sup>E</sup> COM<sup>TEE</sup> THAT ENQUIRED INTO Y<sup>E</sup> RIOTS.

THE COMMITTEE appointed to sit in the recess of the Court to inquire into the disorders committed in the month of August 1765 presented their account of time and travel in attending on that business. Whereupon the following Order passed viz<sup>t</sup>

*Resolved* that there be allowd & paid out of the publick Treasury to the several persons within mentioend the several Sums set against their Names amounting in the whole to the Sum of twelve pounds Six shillings & Six pence in full discharge of the within Account. [*Passed March 17.*]

Legislative  
Records of the  
Council, xxvi.,  
489. Mass.  
Archives,  
lxxxviii., 212½.

Mass.  
Archives,  
lxxxviii., 212½.  
Legislative  
Records of the  
Council, xxvi.,  
253, 292. House  
Journal,  
pp. 134–136, 382,  
405. Province  
Laws, iv., 941,  
note.

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## CHAPTER 220.

RESOLVE ALLOWING £15. 6. 5 TO THOMAS CRAFTS.

THE FOLLOWING ORDER passed on the Account of Thomas Crafts exhibited to the Court for the charge of opening a Gallery to the House of Representatives viz<sup>t</sup>

*Resolved* that the Sum of Fifteen pounds, six shillings, and five pence, be paid out of the Province Treasury to Thomas Craft's in full of the within Account. [*Passed March 17.*]

Legislative  
Records of the  
Council, xxvi.,  
491.

House Jour-  
nal, pp. 406, 407.

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## CHAPTER 221.

RESOLVE CONFIRMING THE PROCEEDINGS AT PRECINCT MEETING IN STOUGHTON.

A PETITION of David Capen & others, a Committee of the second Precinct in Stoughton Setting forth That on the 12<sup>th</sup> of February 1766 they issued a Warrant for a Precinct meeting to be held on the 10<sup>th</sup> day of March then next following, and among other articles in the Warrant, was one, “to see whether the Precinct will finish the meeting house, or any part of it, and act thereon.” Upon which it was Voted to finish the whole of the inside of the Meeting house And then voted to raise by way of rate the Sum of forty pounds towards finishing said House. That it has been since doubted whether the

Legislative  
Records of the  
Council, xxvi.,  
493.

House Jour-  
nal, pp. 404, 409.



article, as it was expressed was sufficient to found such a Grant upon, and sundry persons refuse to pay their proportions of the same. And praying that the said Grant may be confirmed by this Court.

[Read and]

*Resolved* that inasmuch as no opposition was made to the Grant of Forty pounds within mentioned at the time when it was voted, and the Assessment was made & committed to the Collector, the said Grant be deemed as good & valid to all intents and purposes, as if the article for raising money for the purpose within mentioned had been clearly expressed in said Warrant. [*Passed March 18.*]

## CHAPTER 222.

### ORDER IN REGARD TO INSTRUCTIONS TO Y<sup>r</sup> COMISSARIES ON THE NEW YORK LINE.

Legislative  
Records of the  
Council, xxvi.,  
496. Mass.  
Archives, iv.,  
204.

Mass.  
Archives, iv.,  
209–11. Legis-  
lative Records  
of the Council,  
xxvi., 490, 493.  
House Jour-  
nal, pp. 415, 416.  
Province  
Laws, xv., 146,  
chap. 343.  
*Aufé*, p. 200,  
chap. 187; 211,  
chap. 213.

INSTRUCTIONS to the Gentlemen appointed Commissaries on the part of this Government for the settlement of the line with New York

The General Court, when Commissioners were appointed by this Government and New York in 1754 for Settling the boundary line between the two Provinces, having impowered their Commissioners to agree to a line twelve miles to the Eastward of Hudson's River for Said Boundary Line, you are hereby instructed to use your endeavours that Said line be established as the boundary line between this Province and New York: the Same to begin on the Side next to Connecticut at twelve miles distance from said river, and to run on a strait course to a point twelve miles distant from Said river, on the side next to the Province of New Hampshire.

If you should not be able to effect this, the General Court being earnest for a settlement of the line, and [to] 'remove all occasions of further disturbance and Bloodshed among the Borderers, you are to endeavour that the line declared by the right honorable the Lords commissioners for Trade and Plantations to be a just and equitable line of division between the Provinces of Massachusetts Bay and New York and reported by their Lordships to his late Majesty in Council, be established as the Boundary line between the two Provinces: said line being thus described in their Lordships report, viz: "a strait line to be drawn northerly from a point on the South boundary line of the Massachusetts Bay, twenty miles distant due East from Hudson's river to another point twenty miles distant due East from the said river, on that line which divides the Provinces of New Hampshire and Massachusetts Bay." as will appear by extracts from the Journal of their Lordships proceedings on the 29<sup>th</sup> of March & 10<sup>th</sup> of May 1757: copies of which, and of the late Agent M<sup>r</sup> Bollan's Letter relative thereto, dated in London July 20. 1757, will be delivered to you by the Secretary.

If you should agree with the Commissaries on the part of New York on a line of partition between the two Provinces, you are in conjunction with them to prepare a proper state thereof, to be laid before the respective Governments of said Provinces for their acceptance, in order that, after such acceptance, the same may be humbly presented to his Majesty for Confirmation: or otherwise without Such previous acceptance the same to be immediately sub-



mitted to his Majesty for his royal approbation and confirmation: according as you and the commissaries from New York shall agree. Provided that the line agreed on be not, and you are hereby instructed not to agree to any line whatever, less favorable to this Province than the line reported by their Lordships as above-described.

You are to endeavour to procure an authenticated copy of the truest plan that has been taken of Hudson's river: especially of that part of it which lies between the two places, from whence respectively the respective extremities of the aforesaid reported line are twenty miles distant.

You'll observe in the letter from the Right honorable the Earl of Shelburne to his Excellency Governor Bernard dated the 11<sup>th</sup> of dec<sup>r</sup> 1766 (Copy of w<sup>ch</sup> will be deliverd to you) that his Lordship mentions the affair of Nobletown, & that "S<sup>r</sup> Henry Moore (Gov<sup>r</sup> of New York) is directed to take care, that none of the Inhabitants lying to the westward of the Line reported by the Lords of Trade as the Boundary between the two Provinces be molested, till this matter be finally determined. And whatever Province the Setlers may be found to belong to, it should make no difference in their property: ' provided their title to their lands should be found to be good in other respects; or that they have been long in the regular possession of them." As the people of Nobletown were encouraged to settle there by this Government, you are to endeavour, in case the settlement of the line should determine them to belong to New York, to procure for them all the favor you can from that Government; and that what his Lordship has mentioned as above be agreed to. And if the New York Commissaries should refuse complying with his Lordship's recommendation you are to report the reasons urged by you for their compliance; and 'the reasons on which they grounded their refusal.

The foregoing Instructions prepared by a Com<sup>tee</sup> appointed for that Purpose are Submitted to your Honors in the name of the Com<sup>tee</sup> JAMES BOWDOIN

Read and Accepted. And

*Ordered* that the foregoing Instructions be given to the Commissaries chosen on the part of this Government for the settlement of the Line with New York; and that his Excellency the Governor be desired to commissionate the said Gentlemen for the purpose aforesaid. [*Passed March 19.*]

## CHAPTER 223.

### ORDER IMPOWERING CERTAIN REFEREES TO SIT IN SUFFOLK COUNTY.

A PETITION of Sylvester Gardner Esq<sup>r</sup> Praying that the Order of this Court upon his Petition presented in November last empowering the Justices of the Superior Court at their term in Falmouth to be held in June next to, recommit a Report made by certain Referees in a Case between the Petitioner & Humphry Purrington may be so far altered as that the said Justices may be empowered to act thereon in their present sitting in and for the County of Suffolk,

Legislative  
Records of the  
Council, xxvi.,  
498.

House Jour-  
nal, pp. 374, 414,  
417. *Anne*,  
p. 207, chap.  
203.

<sup>1</sup> Manuscript mutilated.

as the Referrees live at a great distance from each other, and are all now present.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Justices of the Superior Court of Judicature &c now sitting in Boston in the County of Suffolk be, and hereby are authorized and empowered to recommit the Report made by the hon<sup>ble</sup> Benjamin Lincoln, Jeremiah Powell & Francis Waldo Esq<sup>rs</sup> Referrees in an Action of Trover between the Petitioner and Humphrey Purrington and others; as also for settling the Bounds of a Farm formerly Job Lewis's at the Superior Court held at Falmouth on the fourth Tuesday of June last for the Counties of Cumberland and Lincoln, which Report was then and there accepted by said Court so that the Referrees may correct a mistake made by them in describing the Easterly Bounds of the said Farm, by which a Tract of Meadow or Swamp Land was intended by said Referrees to have been included, but as described in said Report may admit of doubt: And the said Superior Court at their present Session in Boston are hereby authorized and empowered to accept said Report after its being amended as aforesaid in the same manner as they would have done had the former Report never been accepted by said Court, and to enter up Judgment thereon accordingly. [*Passed March 20.*]

## CHAPTER 224.

ORDER REFERRING WITH STAY OF PROCEEDINGS THE PETITION OF SAM<sup>l</sup> WHITE IN REGARD TO A RE-HEARING OF AN ACTION.

Legislative  
Records of the  
Council, xxvi.,  
406, 409.

A PETITION of Samuel White of Dedham praying that his default in an Action brought against him by David Fisher might be taken off.

Legislative  
Records of the  
Council, xxvi.,  
383. House  
Journal,  
pp. 268, 414, 415,  
420.

[Read and]

*Ordered* that the same be referred to the next May Session accordingly, and that all proceedings thereon be stayed in the mean time. [*Passed March 20.*]

## CHAPTER 225.

RESOLVE DIRECTING THE PROVINCE TREASURER TO DRAW A BILL OF EXCHANGE ON JASPER MAUDUIT, ESQ<sup>e</sup>.

Legislative  
Records of the  
Council, xxvi.,  
500. Mass.  
Archives, civ.,  
442.

*Resolved* that the Treasurer be & hereby is Directed to Draw a Bill of Exchange at parr, on Jasper Mauduit Esq<sup>r</sup> in fav<sup>r</sup> [of] <sup>1</sup> John Hancock Esq for the Ballance in his hands due to this Province being One Thousand four hundred & twelve pounds seventeen shillings & six pence Sterl<sup>s</sup> said Hancock to Give his Obligation to Respond the Money as soon as Advice shall be Receiv'd of the payment of the same The Province in Case of the Nonpayment of the Money not to be Subject to pay any Interest or Damages, or Charges of Protest & that the Secretary be directed to acquaint M<sup>r</sup> Mauduit of this resolution. [*Passed March 20.*]

House Jour-  
nal, pp. 412, 413.

<sup>1</sup> Inserted from Legislative Records of the Council, xxvi., 500.

## CHAPTER 226.

## VOTE APPOINTING COMMISSIONERS ON THE LAND BANK AFFAIRS.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of three persons as Commissioners for adjusting the affairs necessary for the equitable finishing the Land Bank or Manufactory Scheme in the room of the Hon<sup>ble</sup> Samuel Danforth Esq<sup>r</sup> & Nath<sup>l</sup> Hatch Esq<sup>r</sup> two of the Commissioners who desire to be excused from that trust & Thomas Goldthwait Esq<sup>r</sup> the other of said Commissioners who is removed to such a distance as that he cannot conveniently attend; when Edward Sheaffe, Samuel Dexter, and James Humphrey Esq<sup>rs</sup> were chosen by a Major Vote of the Council & House of Representatives. [*Passed March 20.*]

Legislative  
Records of the  
Council, xxvi.,  
501. Mass.  
Archives, civ.,  
439.

Legislative  
Records of the  
Council, xxvi.,  
451, 455, 486, 492,  
497, 500, 501.  
House Jour-  
nal, pp. 332–336,  
417, 418, 419.  
Province  
Laws, iv., 189,  
chap. 20; 919,  
chap. 19; xvii.,  
264, chap. 93.

## CHAPTER 227.

RESOLVE DIRECTING THE PROVINCE TREASURER TO PUT IN SUIT  
MR JOHN COTTON'S EXCISE BOND.

*Resolved* that the Province Treasurer be, and hereby is directed to put in Suit at the next Inferior Court of Common pleas to be holden within the County of Suffolk M<sup>r</sup> John Cotton's Bonds for the Excise he farmed for the year 1765. [*Passed March 20.*]

Legislative  
Records of the  
Council, xxvi.,  
502.

House Jour-  
nal, p. 419.  
Province  
Laws, iv., 845,  
chap. 28; xvii.,  
575, chap. 145.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1767-68.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1767-68.

HIS EXCELLENCY FRANCIS BERNARD,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,  
SECRETARY OF THE PROVINCE.

JOHN COTTON, Esq.,  
DEPUTY SECRETARY.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

SAMUEL DANFORTH	}	NATHANIEL ROPES	}
ISAAC ROYALL		TIMOTHY PAINE	
JOHN ERVING		ROYALL TYLER	
WILLIAM BRATTLE		ANDREW BELCHER	
JAMES BOWDOIN		JOHN CHANDLER	
THOMAS HUBBARD		JAMES PITTS	
HARRISON GRAY		JOSEPH GERRISH <sup>2</sup>	
JAMES RUSSELL		THOMAS SAUNDERS <sup>2</sup>	
THOMAS FLUCKER		JOHN WORTHINGTON	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth;*

GAMALIEL BRADFORD	}	SAMUEL WHITE	}
JAMES OTIS <sup>2</sup>		JERATHMEEL BOWERS <sup>2</sup>	

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;*

JOHN HILL, NATHANIEL SPARHAWK & JOHN BRADBURY, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadehoc & Nova Scotia;*

JEREMIAH POWELL, ESQ.

<sup>1</sup> See Legislative Records of the Council, xxvii., 1-6.

<sup>2</sup> Joseph Gerrish and Thomas Saunders of the Massachusetts Bay, James Otis and Jerathmeel Bowers of New Plimouth and Samuel Dexter of the Province at large, elected by the House of Representatives, were rejected by the Governor.

*For the Province, at large:—*BENJAMIN LINCOLN & SAMUEL DEXTER,<sup>1</sup> ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 27, 1767 to March 30, 1768.*

MR. THOMAS CUSHING, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	James Otis, Esq.,
	Thomas Cushing, Esq.,
	Mr. Samuel Adams,
	John Hancock, Esq.
<i>Roxbury</i> , . .	Joseph Williams, Esq.
<i>Dorchester</i> , .	Mr. Samuel Howe.
<i>Milton</i> , . . .	Mr. Jazaniah Tucker.
<i>Braintree</i> , . .	Ebenezer Thayer, Esq.
<i>Weymouth</i> , . .	James Humphrey, Esq.
<i>Hingham</i> , . .	Mr. Joshua Hersey.
<i>Dedham</i> , . . .	Samuel Dexter, Esq.
<i>Medfield</i> , . .	Capt. Samuel Morse.
<i>Wrentham</i> , . .	Mr. Jabez Fisher.
<i>Brooklyn</i> , . .	Jeremiah Gridley, Esq.
<i>Stoughton and</i> <i>Stoughton-</i> <i>ham</i> , . . .	} Mr. Hezekiah Gay.
<i>Medway</i> , . . .	

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	William Browne, Esq.,
	Peter Frye, Esq.
<i>Danvers</i> , . .	Daniel Epes, Esq.
<i>Ipswich</i> , . .	Capt. Michael Farley.
<i>Newbury</i> , . .	Joseph Gerrish, Esq.
<i>Newburyport</i> , .	Benjamin Greenleaf, Esq.
<i>Marblehead</i> , .	Jacob Fowle, Esq.,
	William Bourne, Esq.
<i>Lynn</i> , . . .	Mr. Ebenezer Burrill.
<i>Andover</i> , . .	Samuel Phillips, Esq.
<i>Beverly</i> , . .	Mr. Henry Herrick.
<i>Rowley</i> , . . .	Humphry Hopson, Esq.
<i>Salisbury</i> , . .	Caleb Cushing, Esq.
<i>Haverhill</i> , . .	Richard Saltonstall, Esq.
<i>Glocester</i> , . .	Thomas Saunders, Jr., Esq.
<i>Boxford</i> , . . .	Aaron Wood, Esq.
<i>Almsbury</i> , . .	Jonathan Bagley, Esq.
<i>Bradford</i> , . .	Benjamin Mulliken, Esq.
<i>Wenham</i> , . . .	Mr. Benjamin Fairfield. <sup>2</sup>

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Andrew Bordman, Esq.
<i>Charlestown</i> , .	Edward Sheaffe, Esq.
<i>Watertown</i> , . .	Mr. Daniel Whitney.
<i>Woburn</i> , . . .	James Fowle, Esq.
<i>Concord</i> , . . .	Charles Prescott, Esq.
<i>Newtown</i> , . . .	Capt. Abraham Fuller.
<i>Reading</i> , . . .	Ebenezer Nichols, Esq.
<i>Marlborough</i> , .	Mr. Samuel Witt.
<i>Billerica</i> , . . .	William Stickney, Esq.
<i>Frammingham</i> , .	Joseph Buckminster,
	Esq.
<i>Lexington</i> , . .	William Reed, Esq.
<i>Chelmsford</i> , . .	Sampson Stoddard,
	Esq.
<i>Sudbury</i> , . . .	John Noyes, Esq.
<i>Malden</i> , . . .	Capt. Ebenezer Harn-
	den.
<i>Weston</i> , . . .	Mr. Abraham Bigelow.
<i>Medford</i> , . . .	Stephen Hall, Esq.
<i>Hopkinton</i> , . .	Capt. Joseph Mellen.
<i>Westford</i> , . . .	Capt. Jonas Prescott.
<i>Groton</i> , . . .	} James Prescott, Esq.
<i>Shirley &amp;</i> <i>Pepperell</i> , . . .	
<i>Waltham</i> , . . .	
	Capt. Jonas Dix.
<i>Stowe</i> , . . . .	Henry Gardner, Esq.

## COUNTY OF HAMPSHIRE.

<i>Springfield &amp;</i> .	} John Worthington, Esq.
<i>Wilbraham</i> , . .	
<i>Northampton &amp;</i>	} Joseph Hawley, Esq.
<i>Southampton</i> , .	
<i>Hadley and</i> . . .	} Mr. Simeon Strong.
<i>South Hadley</i> , .	
<i>Hatfield</i> , . . .	Oliver Partridge, Esq.
<i>Westfield</i> , . . .	David Mosely, Esq.
<i>Deerfield &amp;</i> . .	} Elijah Williams, Esq.
<i>Greenfield</i> , . .	
<i>Sunderland</i> , . .	Capt. Joseph Root.

<sup>1</sup> Joseph Gerrish and Thomas Saunders of the Massachusetts Bay, James Otis and Jerathmeel Bowers of New Plimouth and Samuel Dexter of the Province at large, elected by the House of Representatives, were rejected by the Governor.

<sup>2</sup> The House Journal, p. 4, adds, "*Topsfield*, Capt. Samuel Smith."

COUNTY OF HAMPSHIRE — *Concluded.*

*Brimfield, Mon-* }  
*son & South* } Mr. Timothy Danielson.  
*Brimfield,* }

COUNTY OF BERKSHIRE.

*Sheffield, Great* }  
*Barrington &* } Mr. Ephraim Fitch.  
*Egremont,* }  
*Tyringham,* . . John Chadwick, Esq.

COUNTY OF WORCESTER.

*Worcester,* . . . Mr. Joshua Bigelow.  
*Lancaster,* . . . Mr. David Wilder.  
*Mendon,* . . . Mr. Joseph Dorr, Jr.  
*Brookfield,* . . . Jedediah Foster, Esq.  
*Oxford and* }  
*Charlton,* } Edward Davis, Esq.  
*Sutton,* . . . Capt. Henry King.  
*Rutland, Rut-* }  
*land District &* } John Murray, Esq.  
*Oakham,* }

*Leicester, Spen-* }  
*cer & Paxton,* } Capt. John Brown.  
*Westborough,* . . Capt. Stephen Maynard  
*Shrewsbury,* . . Artemas Ward, Esq.  
*Lunenburg &* }  
*Fitchburg,* } Edward Hartwell, Esq.  
*Uxbridge,* . . . Capt. Ezekiel Wood.  
*Harvard,* . . . Capt. Israel Taylor.  
*Bolton,* . . . John Whitcomb, Esq.  
*Sturbridge,* . . . Moses Marcey, Esq.  
*Hardwick,* . . . Timothy Ruggles, Esq.  
*Grafton,* . . . Mr. Ephraim Sherman.

COUNTY OF PLYMOUTH.

*Plymouth,* . . . James Warren, Esq.  
*Scituate,* . . . Mr. Gideon Vinal.  
*Duxbury,* . . . Briggs Alden, Esq.  
*Marshfield,* . . Capt. Anthony Thomas.  
*Bridgewater,* . . Josiah Edson, Esq.  
*Middleboro',* . . Capt. Ebenezer Sproutt.  
*Rochester,* . . . Mr. Elisha Barrow.  
*Plimpton,* . . . Capt. John Bradford.  
*Pembroke,* . . . Mr. John Turner.  
*Kingston,* . . . William Sever, Esq.  
*Hanover,* . . . Ezekiel Turner, Esq.  
*Abington,* . . . Capt. Woodbridge  
Brown.

COUNTY OF BARNSTABLE.

*Barnstable,* . . . James Otis, Esq.  
*Yarmouth,* . . . David Thacher, Esq.  
*Sandwich,* . . . Roland Cotton, Esq.  
*Eastham &* }  
*Welfleet,* } Col. Willard Knowles.  
*Harwich,* . . . Chillingworth Foster,  
Esq.  
*Falmouth,* . . . Roland Robinson, Esq.

COUNTY OF BRISTOL.

*Taunton,* . . . Mr. Joseph Tisdale.  
*Rehoboth,* . . . Capt. James Clay.  
*Swansey with* }  
*Shawamct,* } Jerathmeel Bowers, Esq.  
*Dartmouth,* . . . Mr. Walter Spooner.  
*Attleborough,* . . Mr. Ebenezer Lane.  
*Dighton,* . . . Ezra Richmond, Esq.  
*Freetown,* . . . Mr. Thomas Durfee.

COUNTY OF YORK.

*York,* . . . . Jonathan Sayward, Esq.  
*Kittery,* . . . Nathaniel Sparhawk,  
Esq.  
*Wells,* . . . . John Wheelwright, Esq.  
*Berwick,* . . . Benjamin Chadburne,  
Esq.  
*Arundell,* . . . Thomas Perkins, Esq.  
*Bideford &* }  
*Peperelboro',* } Mr. Jeremiah Hill.

COUNTY OF CUMBERLAND.

*Falmouth &* }  
*Cape Elizabeth,* } Jedediah Prebble, Esq.  
*Scarborough,* . . Mr. John Steward.  
*Gorham,* . . . . Solomon Lombard, Esq.  
*Windham,* . . . Mr. Abraham Anderson.  
*Brunswick,* . . . Aaron Hinkley, Esq.

DUKES COUNTY.

*Chilmark,* . . . Jonathan Allen, Esq.  
*Tisbury,* . . . James Athearn, Esq.

IN THE COUNTY OF NANTUCKET.

*Sherburne,* . . . Mr. Timothy Folger.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1767.

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## CHAPTER 1.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

JOHN CHANDLER Esq<sup>r</sup> Treasurer for the County of Worcester having presented his Account ending May 1767 for allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxvii., 10.

*Resolved* That the within Account (being right cast and well vouched) be allowed: and that the Treasurer be discharged of the Sum of Two hundred and seventy pounds three shillings and eight pence (exclusive of the Sum of Eighteen pounds, five shillings and eleven pence set on the Town of Woodstock in the year 1766) which he has paid by order of the Court of Sessions, and that he be accountable for a balance of the Sum of Two hundred and fifty one pounds, four shillings and 6<sup>d</sup> $\frac{3}{4}$  still remaining due to the County; and also for the Tax set on the Town of Woodstock when received.  
[*Passed May 30.*]

House Jour-  
nal, pp. 9, 13.  
*Ante*, p. 119,  
chap. 10.

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## CHAPTER 2.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

JOHN COTTON Esq<sup>r</sup> Treasurer of the County of Plymouth having presented his account down to the 18<sup>th</sup> of April 1767 for allowance, the following Order passed thereon viz<sup>t</sup>.

Legislative  
Records of the  
Council,  
xxvii., 11.

*Resolved* that the within Account (being right cast & well vouched) be allowed, and that the Treasurer be discharged of the Sum of One hundred and fifty eight pounds and ten pence, which he has paid by order of the Court of Sessions; and that he be further accountable for a balance of One hundred and sixty four pounds, twelve shillings and nine pence due to the County when he shall receive it. [*Passed May 30.*]

House Jour-  
nal, pp. 9, 13.

## CHAPTER 3.

RESOLVE DIRECTING THAT A PLAN BE TAKEN OF SUNDRY TOWNSHIPS  
AT Y<sup>E</sup> EASTWARD.

Legislative  
Records of the  
Council,  
xxvii., 12.  
Mass.  
Archives,  
cxviii., 288.

House Jour-  
nal, p. 14.  
Province  
Laws, xvii.,  
332, chap. 241.

WHEREAS there was a Plan taken of several Townships by John Brown Esq<sup>r</sup> Surveyer, by Order of a Committee of this Court in 1763 viz of Narragansett No 1 Pearson town N<sup>o</sup> 7 with the Lines of Biddeford Scarborough & Falmouth as run by said Committee which Plan is mislaid or lost

*Resolved* that the Secretary be directed to to<sup>1</sup> write to the said John Brown Esq<sup>r</sup> to take an exact Plan of said Townships & runing said Lines of said Biddeford Scarborough & Falmouth from his field Book or Journal & make Oath to the same that it is a true plan & return said Plan into the Secretarys Office as soon as may be. [*Passed June 2.*]

## CHAPTER 4.

RESOLVE IMPOWERING JOSIAH DAVIS, GUARDIAN, TO SELL REAL  
ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 12.

House Jour-  
nal, pp. 11, 15.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Josiah Davis of Harvard Guardian to Elizabeth, Peter, Jonas, Olive and Mary Davis minor Children of Jonas Davis late of said Harvard dec<sup>d</sup> Setting forth, That the deceaseds Personal Estate after the debts and the Widows allowance were paid amounts only to £8.11.3, that his Children Olive and Mary are quite Young, the one being but five and the other 2½ years old and have now been a year out at Board. That the deceased died seized of two small pieces of Land with a small House and Barn thereon in said Harvard, containing about 40 Acres apprized at £106.13.4. And praying that he may be impowered to make Sale of the said Estate, the interest thereof to be applied for the support of the Widow & Children in proportion according to Law.

[*Read and*]

*Resolved* That Josiah Davis Guardian to Elizabeth, Peter, Jonas, Olive and Mary Davis Minors, Children of Jonas Davis late of Harvard deceased, in his said capacity be and hereby is impowered to make Sale of the House, Barn & Farm of Land mentioned in the Petition for the most the same will fetch, and to execute a good deed or deeds of the same he observing the directions of the Law respecting the Sale of Real Estates, and giving security to the Judge of Probate for the County of Worcester that the proceeds of the Sale be applied in manner following viz<sup>t</sup> One third part thereof to be put to Interest for the benefit of Elizabeth Davis Widow of the said Jonas during her life in lieu of her right of Dower, and also that the said Elizabeth, Peter and Jonas's parts of said Estate be put to interest until they come of age or time of marriage. And that the said Olive and Mary's part of said Estate be also put at Interest, and so much thereof be used from time to time as may be necessary for their support & Education, and the remainder paid to them at the time they come of age, or at the time of Marriage. [*Passed June 2.*]

<sup>1</sup> *Sic.*



## CHAPTER 5.

RESOLVE ALLOWING THE ACC<sup>ts</sup> OF Y<sup>r</sup> GUAR<sup>ds</sup> OF THE PLYM<sup>o</sup> COUNTY INDIANS.

BY THE ACCOUNTS exhibited by the Guardians of the Indians for the County of Plymouth. It appearing that they are well avouch'd and right cast, and that there is Still remaining in the Said Guardians Hands Due to James Thomas. Two Pounds fifteen Shillings Three Pence half Penny. Also due to Stephen David Forty One Pounds. Two Shillings. Also due to Hannah Robbins jun<sup>r</sup> Seventy Eight Pounds Seventeen Shillings And Eleven Pence. Also due to the Heirs of John Thomas. Four Pounds fifteen Shillings. Also it Appearing that the Acco<sup>ts</sup> of the Widow Hannah Robbins are balance'd. Therefore

*Resolv'd* that the Guardians aforesaid be further Accountable for the Said Sums. And discharg'd of the Acco<sup>ts</sup> of the Said Widdow Hannah Robbins. [*Passed June 2.*]

Legislative  
Records of the  
Council,  
xxvii., 14.  
Mass.  
Archives,  
xxxiii., 422.

House Jour-  
nal, pp. 9, 12,  
14. Province  
Laws, xvi., 241,  
chap. 76, note.

## CHAPTER 6.

RESOLVE IMPOWERING MARTHA DAVIS, ADM<sup>x</sup>, TO EXECUTE A DEED.

A PETITION of Martha Davis of Barnstable Widow, Admin<sup>x</sup> of the Estate of William Davis late of Barnstable Mariner deceased Setting forth That the deceased in his life time being seized of one moiety of a piece of Land and meadow in partnership with Cornelius Crocker containing in the whole six Acres had bargained for the same with the said Cornelius on the first day of December 1765 in consideration of the Sum of £33.14.4 part whereof the said Cornelius paid to the said William, who then obligated himself to give to the said Cornelius a deed of the Land upon the Repeal of the Stamp Act, he paying the remainder of the money; but that the said William died before the said Act was repealed. And praying that she may be impowered to compleat the Bargain aforementioned.

Read &

*Resolved* That the prayer of this Petition be so far granted, as that the said Martha in her said capacity of Administratrix, be, and hereby is impowered to execute a good and lawful deed of the said William's part of the premises to the said Cornelius Crocker, he paying her that part of the purchase money that is still due; She to account for the same when she makes up her accounts of her Administration on the said deceased his Estate. [*Passed June 2.*]

Legislative  
Records of the  
Council,  
xxvii., 15.

House Jour-  
nal, pp. 14, 17.

## CHAPTER 7.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF CADWALLADER FORD TO BRING FORWARD A WRIT OF REVIEW.

THE COMMITTEE appointed the 30<sup>th</sup> Instant on the Petition of Cadwallader Ford Esq<sup>r</sup> reported That they had examined the written evidence and were of opinion, that the said Ford had not had a

Legislative  
Records of the  
Council,  
xxvii., 17.

Legislative  
Records of the  
Council,  
xxvii., 10.  
House Jour-  
nal, pp. 7, 8, 11,  
12, 18, 20, 21.  
*Ante*, p. 145,  
chap. 64.

proper trial of the Cause between him and Joshua Farnham as mentioned in said Petition. Therefore report that he have liberty to bring forward his Writ of Review of the same Cause at the Superior Court of Judicature &c. next to be holden at Falmouth in the County of Cumberland in the present year 1767, and that execution be stayed in the meantime.

Read accepted; And

*Ordered* that the Petitioner serve the adverse party Joshua Farnham with a Copy of this Petition that he shew cause if any he hath, on the second Wednesday of the next sitting of this Court, why the prayer thereof should not be granted, and that execution be stayed in the meantime. [*Passed June 3.*]

## CHAPTER 8.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF FORTES: VERNON TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xxvii., 18.  
House Jour-  
nal, pp. 20, 21.

A PETITION of Fortescue Vernon of Boston Setting forth That one Joshua Coffin brought his Action against the petitioner upon a Policy of Insurance for the Sum of £100 upon the Brig Prince of Orange David Coffin master, which Action was carried up by demurrer to the Superior Court, and in November last at said Court held at Salem the said Joshua recovered Judgment against the Petitioner for £100 and Costs; owing as he apprehends to the Nonattendance of his attorney M<sup>r</sup> Auchmuty who was prevented by his Wives Illness, quite unknown to the Petitioner 'till about a fortnight since, who apprehended the Case had been continued. And praying that he may be empowered to bring forward his Writ of Review of said Judgment at the next Superior Court to be held in the County of Essex; and that execution may be stayed in the mean time.

Read &

*Ordered* that the Petitioner notify that adverse party Joshua Coffin of this Petition, by serving him with a copy of the same to shew cause, if any he have on Thursday the 11<sup>th</sup> Instant why the prayer should not be granted; and that Execution be stayed in the mean time, and the Petitioner give security to respond whatever may be finally recovered of him. [*Passed June 3.*]

## CHAPTER 9.

### RESOLVE CONFIRMING A PLAN OF 300 ACRES OF EQUIVALENT LAND TO SAM<sup>l</sup> DEXTER.

Legislative  
Records of the  
Council,  
xxvii., 19.  
House Jour-  
nal, pp. 15, 19,  
20. Province  
Laws, xvii.,  
591, chap. 182.

A RETURN of the Survey of a piece of Land granted by the Great and General Court of this Province to Samuel Dexter Jan<sup>y</sup> 28. 1765 Begining at a great Beach tree marked & Stones four perch E<sup>t</sup> of the North branch of Hoosuck River in the Province Line, from thence run S<sup>o</sup> 10<sup>d</sup> W<sup>t</sup> 160 perch to a Stake and Stones, then W<sup>t</sup> 10<sup>d</sup> N, 300 perch to a heap of Stones three feet S<sup>o</sup> of a small Hemlock marked, then at right angles to the Province Line, allowing one Rod in thirty for swag of Chain, according to the Plan here-with exhibited.

Pittsfield Dec<sup>r</sup> 3<sup>d</sup> 1766 Signed JOSEPH ALLEN Surveyor

[Read and]

*Resolved* that the within Plan of three hundred acres of Land delineated and described as is set forth therein, be accepted, and hereby is confirmed unto Samuel Dexter his Heirs and assigns in full satisfaction of the Grant allowed by the General Court to the said Samuel Dexter Jan<sup>y</sup> 26. 1765 (a Plan of the same not being returned within twelve months of said time notwithstanding) provided that it doth not exceed the quantity of three hundred Acres, nor interfere with any former Grant. [*Passed June 3.*]

## CHAPTER 10.

ORDER IMPOWERING THE INHABITANTS OF THE N. E. QUARTER OF RUTLAND TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LANDS OF NON-RESIDENTS.

A PETITION of the Inhabitants of the N E Quarter of Rutland praying for a Tax on the Lands of the Nonresident proprietors, and that the said Quarter may be incorporated,

Read: and it appearing that the Petitioners & nonresident proprietors had come to an Agreement that there should be a Tax of one penny  $\text{p}$  Acre laid upon all the Lands of the nonresident proprietors lying in the Northeast Quarter of Rutland for one year only, to enable the Inhabitants to make and repair Roads.

*Ordered* That there be a Tax of One penny  $\text{p}$  Acre, laid on the s<sup>d</sup> Lands accordingly and that the Petitioners have liberty to bring in a Bill for incorporating the said Quarter into a District.<sup>1</sup> [*Passed June 5.*]

Legislative  
Records of the  
Council,  
xxvii., 25.  
Mass.  
Archives,  
cxviii., 220.

Mass.  
Archives,  
cxviii., 219.  
Legislative  
Records of the  
Council, xxvi.,  
336. House  
Journal, p. 26.  
Province  
Laws, iv., 953,  
chap. 2; 995,  
note.

## CHAPTER 11.

RESOLVE ALLOWING 40/ TO W<sup>m</sup> PIERCE.

A PETITION of William Pierce Setting forth That in the year 1755 He was a Captain in the pay of the Province in the expedition against Crown point, & upon the encouragement of the Government, he furnished one James Daly with a Gun, who was taken prisoner and the Gun lost. And praying an allowance.

[Read and]

*Resolved* that that<sup>2</sup> there be allowd & paid out of the province Treasury to the Pet<sup>r</sup> the Sum of forty shillings in Consideration of the Loss of the Gun mentiond. [*Passed June 5.*]

Legislative  
Records of the  
Council,  
xxvii., 25.  
Mass.  
Archives,  
lxxx., 646.

Mass.  
Archives,  
lxxx., 646.  
House Jour-  
nal, pp. 23, 25.  
Province  
Laws, iii., 737,  
chap. 41.

## CHAPTER 12.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

AN ACCOUNT of Solomon Otis County Treasurer for Barnstable, was presented for allowance: Whereupon the following Order passed viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxvii., 26.

<sup>1</sup> This district was called Hubbardston.

<sup>2</sup> Sic.

House Jour-  
nal, pp. 9, 21.

*Resolved* that the within Account, being right cast and vouch'd be accepted: and that the Treasurer be discharged of the Sum of One hundred forty three pounds fourteen shillings and ten pence which he has paid by order of the Court of Sessions, and that he be further accountable for a balance of One hundred and seventeen pounds, seventeen shillings & three pence still remaining due to the County. [*Passed June 5.*]

## CHAPTER 13.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 27.

THE ACCOUNT of Michael Farley County Treasurer of Essex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

House Jour-  
nal, pp. 9, 27.

*Resolved* that the within account being right cast & well vouched be allowed, and that the Treasurer be discharged of the Sum of Six hundred and sixty nine pounds, six shillings and ten pence which he has paid by Order of the Court of Sessions, and that he be further accountable for a balance of four hundred & one pounds, nineteen shillings and seven pence still remaining due to the County. [*Passed June 6.*]

## CHAPTER 14.

### RESOLVE CONFIRMING A PLAN OF 47 ACRES AND 2 RODS OF EQUIVALENT LAND TO EPH<sup>a</sup> KEYES.

Legislative  
Records of the  
Council,  
xxvii., 27.

A PLAN of the Residue of the Grant made to Ephraim Keyes of three hundred Acres of Land viz<sup>t</sup> of forty seven Acres as heretofore mentioned in a Plan of two hundred and fifty two Acres and half presented to and accepted by the hon<sup>ble</sup> Court, delineated as in the Plan here annexed viz<sup>t</sup> begining eleven chains seventy five link North 33 degrees East from the North west corner of a Grant of Land made by the General Court to Benj<sup>a</sup> Goodrich and others lying West of Pittsfield, bounded as by the Plan viz<sup>t</sup> North 22<sup>d</sup> East 20 chain, East 22<sup>d</sup> South 23 chains 74 links. North 22<sup>d</sup> east 20 chains, east 22<sup>d</sup> South 23 chains 74 links. Surveyed by Benj<sup>a</sup> Goodrich jun<sup>r</sup> and Sworn before William Williams Justice [of the] peace

[Read and]

*Resolved* that the within Plan of forty seven Acres and two roods delineated and described as it is set forth therein be accepted, and hereby is confirmed to Ephraim Keyes his Heirs and Assigns in full satisfaction for forty eight Acres and seventy rods allowed by this Court October 31, 1765 to the said Ephraim to compleat a former Grant to him of Three hundred Acres. provided it doth not exceed the quantity of forty eight Acres and seventy Rods, nor interfere with any former Grant. [*Passed June 6.*]

House Jour-  
nal, pp. 26, 27.  
*Ante*, p. 64,  
chap. 130;  
p. 136, chap. 45.

## CHAPTER 15.

## ORDER ALLOWING £9. 14. 8 TO ENOCH FREEMAN.

A PETITION of Enoch Freeman Esq<sup>r</sup> of Falmouth in the County of Cumberland: Praying an allowance of £9.14.8 disbursed in the service of the Government from 1757 to 1763 as having the care and direction of three Companies as a Winter Scout, and for the purchase of 13 Bayonets & Scabbards for the Battery Company, and for his time, trouble and expence in the said Service.

Read &

*Ordered* that there be allowed and paid out of the Province Treasury to Enoch Freeman Esq<sup>r</sup> the Sum of Nine pounds, fourteen shillings and eight pence in full for his Account as set forth in this Petition. [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xxvii., 29.

House Jour-  
nal, pp. 16, 28,  
29.

## CHAPTER 16.

## RESOLVE IMPOWERING ABIGAIL CURTIS, GUARDIAN, TO EXECUTE A DEED.

A PETITION of Abigail Curtis of Hanover Widow as Guardian to her two Children Joseph Curtis & Seth Curtis Minors and the only surviving Children of her late husband Joseph Curtis of said Hanover deceased Setting forth That one Thomas Whitten of said Hanover stands seized of about fourteen acres of Land in said Town, the most whereof is under good improvement, and but about 12 Rods in weidth & encompassed by the said Minors Lands: and that the said minors own some unimproved Land at a distance from that beforementioned, and near to other Land owned by the said Whitten, who is willing to accept sixteen acres thereof in exchange for the fourteen acres beforementioned. And praying that she may be empowered to execute a deed of the said fourteen Acres in exchange for the sixteen acres aforementioned.

[Read and]

*Resolved* that the prayer of the Petition be granted; and that the said Abigail Curtis in her said capacity as Guardian to Joseph Curtis and Seth Curtis be, and hereby is enabled to give and execute a good and sufficient deed of conveyance of the withinmentioned sixteen Acres of Land unto the said Thomas Whitten, and in consideration thereof to receive a good and lawful deed from the said Thomas to the said Joseph and Seth Curtis vesting them with the said property of the fourteen Acres of Land mentioned in said Petition. [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xxvii., 29.

House Jour-  
nal, pp. 21, 22,  
29.

## CHAPTER 17.

## RESOLVE CONFIRMING 3,000 ACRES OF EQUIVALENT LAND TO HEZ: WARD &amp; OTHERS, ASSIGNEES.

A RETURN was made to the Court of the following Survey viz<sup>t</sup> May 26 1767. Then laid out three thousand Acres of the unappropriated Lands of this Province pursuant to a Grant of the Great

Legislative  
Records of the  
Council,  
xxvii., 30.



House Journal, pp. 24, 28, *Ante*, p. 185, chap. 155.

and General Court made to M<sup>r</sup> Hezekiah Ward & Others Assignees of the Town of Boston in proportion to their several losses of Land in the Town of Charlemont by the running of the Lines of Colrain and in full satisfaction therefor viz<sup>t</sup> Twelve hundred acres for the Heirs of Jonas Clark, Benjamin Clark & Ebenezer Storer Twelve hundred acres for M<sup>r</sup> Hezekiah Ward and Jonathan Ward: Three hundred acres for Doct<sup>r</sup> Thomas Green and Samuel Pierce, and three hundred acres for Caleb Dana, Richard Dana, Jonathan White and Joseph Wilder; the whole is bounded on the North by Charlemont South line; on the West by Land sold by the Province to Cap<sup>t</sup> Pason; on the South it bounds by Province Land; on the East partly on Province Lands and partly on Land of M<sup>r</sup> Othniel Taylor as the same is marked out and delineated on the above plat, with the first Letters of the names of the Owners of each Lot set on the Corners and the Trees about them. The particular Lots are bounded as follows: Clarks and Storer's North on the South line of Charlemont, South partly on Wards Farm & partly on Greene's & Pierce's Farm West by Pason's Land or Town, East by Dana, White's and Wilders. Wards Farm bounds north partly by the farm last described of Clarks and Storer's and partly by Danas Whites & Wilders, South and East it bounds by Province Lands, West by Doctor Green's & Pierce's Lot. Doct<sup>r</sup> Green and Pierce's Lot bounds on the West by Pason's Town so called, East by Wards Lot or Farm South by Province Land, North by Clark's and Storer's Lot or Farm. Danas White's & Wilder's lot laid East of Clark's & Storer's, Bounds West by it South by Wards, East by M<sup>r</sup> Othniel Taylor's and North by the South line of Charlemont: the lines are all well marked, and it is laid down by a Scale of 200 perch to one inch.

Signed SILVANUS RICE Surveyor  
and Sworn before THOMAS WILLIAMS Just<sup>s</sup> pac<sup>s</sup>

[Read and]

*Resolved* That the within Plan of three thousand Acres including the several Divisions, delineated & described therein be accepted, and hereby is confirmed to Hezekiah Ward and Others Assignees of the Town of Boston, their Heirs and Assigns in full satisfaction for their several losses of Land in the Town of Charlemont by the running of the Lines of Colrain. Provided that it doth not exceed the quantity of three thousand Acres, nor interfere with any former Grant. [*Passed June 8.*]

## CHAPTER 18.

RESOLVE IMPOWERING ELEAZER ADAMS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxvii., 32.

House Journal, pp. 21, 32. Province Laws, ii., 151, chap. 10.

A PETITION of Eleazer Adams of Medway Guardian to Esther Adams a person Noncompos setting forth That his Account of disbursements for said Esther amounts to Thirty six pounds 17/10 more than her Personal Estate. That her Real Estate was appraised at £75.6.8, that all her improved Lands will rent for no more than two dollars a year, besides keeping the Fences in repair, and the Bushes subdued. And praying that he may be impowered to make Sale of the said Esthers Real Estate to discharge the debt already contracted and to provide for her future support.



[Read and]

*Resolved* that Eleazer Adams of Medway in the County of Suffolk Guardian to Esther Adams of said Medway a person Noncompos, be, and hereby is impowered to make Sale of the whole of the Real Estate belonging to the said Esther for the most the same will fetch, and to make and Execute a good deed or deeds of the same to the purchaser or purchasers, their Heirs and Assigns; He observing the directions of the Law respecting the Sale of Real Estates by Executors & Administrators: the money arising by said Sale to be applied, so much as is necessary to the discharge of the said Esther's present debts, and the remaining part to be put out at Interest & employed from time to time for the support & maintenance of the said Esther: and that the said Eleazer Adams give caution to the Judge of Probate for the County of Suffolk that the said Money be so applied. [*Passed June 9.*]

## CHAPTER 19.

RESOLVE IMPOWERING THE SELECTMEN OF THE TOWN OF LEXINGTON TO PROVIDE FOR THE SUPPORT OF THE FAMILY OF SAMUEL PIKE.

A PETITION of the Representative & Selectmen of the Town of Lexington Setting forth That in 1732 one Samuel Pike with his Family came into the said Town, and were legally warned to depart & caution entered accordingly in August following. That the said Samuel is since dead after long illness leaving a Widow & two Daughters, one of which hath been bedrid for ten years past, and have been a great expence to the Inhabitants of said Town. That the Petitioners cannot find that the said Family have ever gained a Settlement in any Town in the Province. And praying that they may be relieved at the Province charge.

Read &amp;

*Resolved* that the Overseers of the Poor or the Selectmen of the Town of Lexinton be directed to make suitable provision at the publick Expence for the Support of those of the Family of the said Sam<sup>l</sup> Pike who are incapable of providing for them selves & lay the Accounts thereof before the Governor and Councile from time to time agreeable to Law. [*Passed June 9.*]

## CHAPTER 20.

RESOLVE ALLOWING £2.8 TO MICHAEL DAIGLE.

*Resolved*, That the Sum of Forty Eight Shillings be paid out of the Province Treasury to Michel Daigle<sup>1</sup> one of the Nova Scotia French Inhabitants, to enable him to transport himself & Family from this Province to Canada. [*Passed June 9.*]

<sup>1</sup> The House Journal, pp. 34, 35, reads, "*Michael D. Eagle.*"

Legislative  
Records of the  
Council,  
xxvii., 33.  
Mass.  
Archives,  
cxviii., 297.

Mass.  
Archives,  
cxviii., 296.  
House Jour.  
nal, pp. 24, 33.

Legislative  
Records of the  
Council,  
xxvii., 34.  
Mass.  
Archives,  
xxiv., 585.

House Jour.  
nal, pp. 34, 35.  
Province  
Laws, iv., 948,  
notes.

## CHAPTER 21.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
JN<sup>o</sup> BRIDGHAM TO ADMIT AN APPEAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xxvii., 35.

House Jour-  
nal, p. 37.

A PETITION of John Bridgham of Plympton Setting forth, That Nathaniel Goodwin of Plymouth commenced an Action against him at an Inferior Court for the County of Plymouth which was carried up by Demurrer to the Superior Court held in and for the said County in May following where Judgment was made up against him for £13.3.6¼ damages and costs: whereupon he appealed to the Superior Court held in & for the said County in May last, when and where he expected his attorney would have defended the said Action but thro' mistake this was not done, and so the former Judgment was confirmed with additional Costs. And praying that Execution may be stayed, and that he may have power to enter his said Appeal at the next Superior Court for the said County.

[Read and]

*Ordered* that the Petitioner serve the said Nathaniel Goodwin with a Copy of this Petition that he make answer if he see cause, on the third Tuesday of the next Session of this Court, why the prayer thereof should not be granted, and that Execution be stayed in the mean while. [*Passed June 10.*]

## CHAPTER 22.

ORDER EXEMPTING THE TOWN OF WINCHENDON FROM THE PROVINCE  
TAX.

Legislative  
Records of the  
Council,  
xxvii., 36.

House Jour-  
nal, pp. 25, 26,  
35, 36.

A PETITION of Daniel Stimpson in behalf of the Inhabitants of the Town of Winchendon setting forth That there has been a Tax laid upon them by the Government for six years amounting in the whole to £167.3.4; none of which has been yet paid by reason of the smalness of their numbers and their extreme poverty: And praying that the said Tax may be abated and that they may be exempted from any further Tax, till they shall be better able to bear it.

Read &

*Ordered* that the Town of Winchendon be eased of the Taxes of One hundred and sixty seven pounds three shillings & four pence laid on them for six years past: and that the said Sum be added in this years Tax Bill to the following Towns in the County of Worcester which were eased of the same Tax in proportion as the following Towns were eased by laying the same Tax on the said Winchendon viz<sup>t</sup> on Worcester, Lancaster, Mendon, Brookfield, Oxford, Sutton, Rutland, Leicester Westborough, Shrewsbury, Lunenburgh, Uxbridge Harvard, Dudley, Bolton, Sturbridge, Leominster Hardwick, Western, Douglas & Petersham. [*Passed June 10.*]

## CHAPTER 23.

## RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF MIDDLESEX TO ALLOW FURTHER TIME FOR THE ADMISSION OF CLAIMS AGAINST AN ESTATE.

A PETITION of Isaac Foster of Charlestown Merchant Setting forth That Thomas Parker late of Dracut Clerk dec<sup>d</sup> is justly indebted to the Petitioner in about the Sum of £50 That the said Estate has been represented Insolvent, but he not being apprized thereof or apprehensive of such Insolvency till the time for carrying in the Creditors Claims was near expired; He then applied to one of the Commissioners, who as he then understood, promised to call & take the Petitioners Bond against the said Estate but thro' some misapprehension of the matter between them it happened that the whole term allowed was expired before he took any further care to carry in his Claim, by which means he is like to be excluded. And praying that the Judge of Probate may be empowered to give a further time to the Commissioners to receive the Creditors Claims, that so he may have opportunity to present and prove his own in order to receive his just proportion.

[Read and]

*Resolved* That the Judge of Probate for the County of Middlesex be, and he hereby is empowered to allow the Commissioners by him appointed to examine the Claims to the Estate of Thomas Parker late of Dracut Clerk deceased two months longer, if he shall see cause, to receive the Claims of such Creditors to the Estate aforesaid as have not been before considered by said Commissioners. And that such Claims so to be received may be considered by said Commissioners, & allowed by said Judge, as if they had been exhibited in due Season. [*Passed June 11.*]

Legislative  
Records of the  
Council,  
xxvii., 40.

House Jour-  
nal, pp. 41, 43.

## CHAPTER 24.

## RESOLVES CONSTRUING AN ACT IN REGARD TO MINISTERIAL AND LAND TAXES IN DISTRICT OF SOUTH BRIMFIELD.

A PETITION of Edward Webber Agent for the East Parish of South Brimfield praying for an explanation of the Act for dividing the District of South Brimfield into two separate Parishes: And Setting forth That there are large Tracts of Land in the said East Parish which have been advanced in their value by means of their Building a meeting house & settling a minister, towards which the said Lands have not paid any Tax: And praying for a Tax of three pence p<sup>r</sup> acre for three years on all the Lands in said East Parish, to be applied towards finishing the meeting house and supporting the Gospel therein.

Read &

*Resolved* That by the Act made in the sixth year of his present majesty's Reign for dividing the District of South Brimfield into separate Parishes; the Inhabitants of the West Parish in said District are not freed from any charges that arose in said District by hiring Preaching previous to the dividing said District into separate

Legislative  
Records of the  
Council,  
xxvii., 41.

House Jour-  
nal, pp. 26, 27,  
42. Province  
Laws, iv., 857,  
chap. 31; 876,  
note; xvii., 571,  
chap. 134.

Parishes, & previous to the settling a minister in that part of the said District now the East Parish. And that the prayer of the Petition be so far granted, that the Selectmen or assessors of the District of South Brimfield are hereby ordered and impowered to assess all such Sum or Sums of money that have not been assessed and have been expended in hiring preaching in said District before said District was divided into separate Parishes, and before the settling a minister in that part of said District now the East Parish, in proportion upon the Inhabitants of the East and West Parish, that are not exempted by Law from ministerial Taxes, and to commit the same to the Constable of said District to collect. And as to the second part of said Petition: It is further

*Resolved* That the Petitioner insert the substance of that part of the Petition relating to a Land Tax in two of the Boston News papers, notifying the Nonresident Proprietors of Lands in the East Parish of South Brimfield to shew cause, if any they have, on the second Tuesday of the next Winter Session of the General Court why the prayer should not be granted. [*Passed June 11.*]

## CHAPTER 25.

ORDER ALLOWING £3. 18 TO O. PARTRIDGE, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xxvii., 43.

House Jour-  
nal, p. 241  
(February,  
1766); pp. 33,  
45. *Post*, p. 249,  
chap. 51.

A PETITION of Oliver Partridge Esq<sup>r</sup> Praying an Allowance for six days service and Horse hire to view & estimate certain Lands lying West of Sheffield in April 1766 by an Order of the General Court, a large Tract whereof they afterwards sold to Charles Goodrich. Also praying an allowance of eighteen shillings for an Express from Hatfield to Pittsfield in the time of the Riot at Egremont.

Read &

*Ordered* That the prayer be granted, and that the Sum of Three pounds, eighteen shillings be paid to the Petitioner out of the public Treasury in full for his Services mentioned in the Petition. [*Passed June 12.*]

## CHAPTER 26.

RESOLVE DIRECTING THE PROVINCE TREASURER TO ISSUE HIS WARRANT TO EBEN<sup>R</sup> OLDS TO COLLECT TAXES IN EGREMONT AND TO WITHDRAW THE EXECUTION AGAINST SAID COLLECTOR.

Legislative  
Records of the  
Council,  
xxvii., 43.

House Jour-  
nal, pp. 24, 38.

A PETITION of Ebenezer Olds Setting forth That he was chosen Constable of the Town of Egremont in 1764 but has never yet received a Warrant from the Province Treasurer impowering him to collect the Province Tax laid on said Town: notwithstanding which the said Treasurer hath made out an Execution against him. And praying relief. And further praying that the Taxes of sundry persons who have since died and absconded may be remitted, as he will be now unable to collect the Sums set upon such persons.

[Read and]

*Resolved* that the prayer of the Petition be so far granted as that the Province Treasurer be, and he hereby is directed to issue his Warrant impowering the Petitioner to collect such part of the Sum

committed to him by the assessors of the Town of Egremont as still remains due to the Province, and to send such Warrant to the Sheriff of the County of Berkshire to be by him transmitted to the Petitioner. And that the space of three Months & no longer, be allowed said Petitioner to collect and pay in the said Sum. And that the Treasurer be further directed to write to the Sheriff of said County to return the Execution issued against the Petitioner, and pay said Sheriff his Fees for Travel out of the public Treasury. [*Passed June 12.*]

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## CHAPTER 27.

RESOLVE IMPOWERING THE TOWN OF DORCHESTER TO SELL LANDS AND APPLY THE PROCEEDS THEREOF FOR THE SUPPORT OF A FREE SCHOOL THEREIN.

A PETITION of Richard Hall & others Selectmen of Dorchester Praying liberty to sell a Tract of Land containing 140 Acres lying in Stoughton, being part of a Grant made by the ancient proprietors of said Town in the year 1657 for the benefit of a Free School; the money arising by said Sale to be placed at Interest for the same use till there shall be opportunity of vesting it in other Real Estate, the forementioned 140 Acres being of very little profit to the Town.

[Read and]

*Resolved* that the prayer of the Petition be so far granted that Richard Hall, William Holden and Elijah Davis, the Committee of the Town of Dorchester, be and are hereby empowered to make sale of the Lands therein mentioned, and to make and execute a good deed or deeds of conveyance thereof to the purchaser or purchasers thereof; which Deed or deeds so made and executed shall be good and valid in Law to convey the said Lands to the purchaser or purchasers thereof; the proceeds of said Sale to be delivered to the Treasurer of said Town of Dorchester to be appropriated & employed for the use of a Free School in said Town as the Inhabitants thereof shall think proper. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xxvii., 44.

Legislative  
Records of the  
Council, xxvi.,  
490. House  
Journal, pp. 28,  
41.

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## CHAPTER 28.

RESOLVE IMPOWERING BENJAMIN MULLIKEN AND OTHERS TO EXCHANGE LANDS AND TO NOTIFY DELINQUENT PROPRIETORS.

A PETITION of Benjamin Mulliken & Moody Bridges Agents for the Proprietors of a Township granted to them June 25 1765 Setting forth, That a Pond called Long Pond contained in the Plot is much larger than described therein: And praying an allowance, & also praying to exchange a part of said Township for other Province Lands which would bring it into a better form: And that they may be empowered to make Sale of the Rights of the delinquent Proprietors who are in arrears for the Taxes laid upon them.

[Read and]

*Resolved* that that part of the Township granted to Benj<sup>a</sup> Mulliken Esq<sup>r</sup> and others June 25<sup>th</sup> 1765 lying on the Easterly side & northerly end of the pond called Long pond containing Eight thou-

Legislative  
Records of the  
Council,  
xxvii., 45.

Mass.  
Archives,  
cxviii., 418.

Mass.  
Archives,  
cxviii., 416.  
House Jour-  
nal, pp. 34, 35,  
45, 47. *Ante*,  
p. 47, chap. 92;  
p. 66, chap. 125.

sand, six hundred & forty five acres bounded as followeth; Beginning at a stone set into the ground at the northeasterly corner of said Township; thence South 25 degrees East nine miles to a Stone set into the ground, thence west 25 degrees South seven hundred & forty pole to said Pond; thence northerly by s<sup>d</sup> pond to a Stake & stones standing by a Brook at the head of said pond; thence north 25 degrees West six hundred & sixty pole to a Stake & stones standing in the northerly line of s<sup>d</sup> Township thence East 25 degrees north One hundred & sixty pole to the first bound, be, exchanged for an equivalent of Land lying on the Westerly side, provided there be a sufficiency of Land belonging to the Province on that side, otherwise that the deficiency be made up in Lands at the Southerly end of said Township adjoining thereto, and that a plan thereof taken by Surveyor & Chainmen on Oath, be returned to this Court within twelve months from this date for Confirmation.

And that the petitioners notify the delinquent Proprietors mentioned in their petition by inserting the substance of that Clause in one of the Boston News papers three Weeks successively that they shew cause if any they have on the first Tuesday of the next Session of this Court why the prayer thereof should not be granted. [*Passed June 12.*]

## CHAPTER 29.

ORDER ALLOWING 30/ EACH TO TIMOTHY PAINE AND JOHN MURRAY AND £1. 4 TO MOSES MARCY.

Legislative  
Records of the  
Council,  
xxvii., 46.

Legislative  
Records of the  
Council, xxv.,  
230. House  
Journal, pp. 44,  
46. Province  
Laws, xvii.,  
571, chap. 134.

A PETITION of Timothy Paine, Moses Marcey & John Murray Esq<sup>rs</sup> Praying an allowance for going to South Brimfield in 1764 to fix a place for a meeting House there, by order of the General Court.

Read and

*Ordered* That the prayer be granted, and that there be paid out of the public Treasury to Tim<sup>o</sup> Paine & John Murray Esq<sup>rs</sup> thirty shillings each and to Moses Marcey Esq<sup>r</sup> One pound four shillings, being Four pounds, four shillings in full of the Accounts mentioned in the Petition: And that the same be added to the Province Tax on South Brimfield the present year. [*Passed June 12.*]

## CHAPTER 30.

ORDER ALLOWING £6 TO REV. STEPHEN BADGER.

Legislative  
Records of the  
Council,  
xxvii., 46.  
Mass.  
Archives, xiv.,  
487.

House Jour-  
nal, pp. 20, 36,  
47.

*Ordered* that the Sum of Six pounds be paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Stephen Badger of Natick for the Charge he has been or may be at in supporting any of the poor Indians of Natick he to be accountable therefor to this Court. [*Passed June 12.*]



## CHAPTER 31.

RESOLVE IMPOWERING THE GENERAL SESSIONS TO HEAR AND DETERMINE QUESTIONS IN REGARD TO LAYING OUT A CERTAIN ROAD.

A PETITION of David Shaw and Bernard McNitt of Palmer Setting forth That a Road hath been laid out through their Lands and established by the Sessions greatly to the damage of the Petitioners, altho' a more convenient Road thro' the Town has been lately amended. That they, ignorant of the Law did not apply in season for a Jury to be sent out on said Road: And praying that they may be still indulged with that privilege, their omission notwithstanding.

[Read and]

*Resolved* that the Prayer of this Petition be granted and that the Justices of the Court of General Sessions of y<sup>e</sup> Peace for the County of Hampshire at the next Term of Said Court upon Application made by the Petitioners be & hereby are empowered to hear and determine all matters respecting the Laying the Road on the Petition Mentioned and Shall & may Enquire of all Matters relative thereto & in the Same manner as they might have done by Law at the Term next after the Return of the Laying of Said Road. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xxvii., 47.  
Mass.  
Archives,  
cxxi., 457.

Mass.  
Archives,  
cxxi., 454.  
House Jour-  
nal, pp. 37,  
45 bis, 46.

## CHAPTER 32.

RESOLVE DISCHARGING THE DISTRICT OF PALMER OF £174. 16.

A PETITION of William Scott in the name & behalf of the District of Palmer Setting forth That the General Court passed an Order in March last for the Treasurer to prepare a List of debts due to the Government in the late Treasurer Foye's days; in which List is £174.16 lawful money due from the said District for Taxes in 1742 & 1749 which they had no expectation of paying, as there was no Law till 1751 to levy and collect the said Taxes, nor was any rate given them till then, whereby to levy any Taxes but upon unimproved Lands. And praying relief.

Read &

*Resolved* that the Prayer be granted & the said District of Palmer be & hereby is dischargd of the Sum of One hundred & seventy four pounds Sixteen shillings mentiond in the Petition. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xxvii., 48.  
Mass.  
Archives,  
cxviii., 274.

Mass.  
Archives,  
cxviii., 272.  
House Jour-  
nal, pp. 37, 48.  
Province  
Laws, iii., 599,  
chap. 15. *Ante*,  
p. 203, chap.  
307.

## CHAPTER 33.

RESOLVE IMPOWERING SHARP FREEBORN AND ESTHER HIS WIFE, INDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sharp Freeborn of Paxton & Esther his Wife daughter of Peter Lawrence of Grafton Indian planter deceased Setting forth That he the said Sharp is Owner of about thirty Acres of

Legislative  
Records of the  
Council,  
xxvii., 49.

House Journal, pp. 43, 48, 49. Province Laws, xvii., 269, chap. 104.

Land with a House and Barn & considerable improvements thereon; for which he is in debt about forty pounds to Mr Timothy Barrett of said Paxton for securing whereof he hath mortgaged the said Estate. That the said Esther hath had set off to her as her part of her Fathers Estate twenty two acres of Land, valued at Forty pounds, but which would Rent for no more than twenty six shillings & 8<sup>d</sup> p Annum and lyeth at a distance from the Land of the said Sharp. And praying that they may be impowered to sell the said 22 Acres in order to discharge the forementioned Mortgage.

Read and

*Resolved* That the prayer of this Petition be granted; and the said Sharp and Esther are hereby impowered by and with the consent and under the direction of the Guardians of the Hassanamisco Indians to sell the aforementioned twenty two Acres of Land, the said Esther's third or share in her Father's Estate for the most the same will fetch, and make and Execute a good & sufficient deed or deeds thereof; Always provided the proceeds thereof shall be applied to the discharging of the Mortgage mentioned in this Petition; and the overplus, if any be, shall remain in the hands of the said Guardians for the benefit of the said Sharp and Esther: Provided also that when the said Mortgage shall be discharged, the said Sharp shall, and he hereby is impowered to execute a deed of Release to the said Guardians of the Land whereon he now dwells in Paxton in trust for the benefit of said Esther, and the Heirs of the said Esther after the decease of the said Sharp. [*Passed June 13.*]

## CHAPTER 34.

RESOLVE IMPOWERING ROBT HAYDEN AND ELIZABETH HIS WIFE, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxvii., 50.

House Journal, pp. 39, 49. Province Laws, ii., 151, chap. 10.

A PETITION of Robert Hayden of Braintree & Elizabeth his Wife as she is Guardian of her daughter by a former husband Elizabeth French a Minor under six years of age Setting forth That the said Minor with other Heirs was interested in the Estate of her Grandfather Benj<sup>a</sup> French late of Braintree dec<sup>d</sup> that upon the division of said Estate so much more than the Minors share was assigned to her by the Judge of Probate, as that she is ordered to pay the other Heirs for owelty of Partition the Sum of Sixty six pounds. That the said Minor owns about 3¾ Acres of Land in Braintree, which came to her from her father, and will sell for near enough to pay said sum & will be much more convenient to be Sold than any part of the Estate which came from the Grandfather. And praying, by advice of the Judge of Probate, that they may be enabled to make Sale of the said 3¾ Acres of Land for the Sole use and benefit of the s<sup>d</sup> Minor the proceeds to be applied as aforesaid.

[Read and]

*Resolved* that Robert Hayden and Elizabeth his Wife Guardians to Elizabeth French a Minor, be, and hereby are impowered to make Sale of the three Acres & three quarters of Land in Braintree belonging to said Minor mentioned in their Petition, and to make and execute a good deed or deeds of sale thereof to the purchaser or purchasers, they attending the directions of the Law for the Sale of Real Estates and give caution to the Judge of Probate for the

County of Suffolk that the proceeds of the said Sale, so much thereof as may be necessary, be employed for payment of the Legacies mentioned in the Petition; and the overplus if any be, to be used for the benefit of the said Minor. [*Passed June 13.*]

## CHAPTER 35.

### RESOLVE ALLOWING £9. 1. 2 TO SAMUEL BROWN.

A PETITION of Samuel Brown of Stockbridge Setting forth That in the year 1753 by virtue of a Warrant from Joseph Dwight & David Ingersoll Esq<sup>rs</sup> he, as Deputy Sheriff of the County of Hampshire went in quest of certain Rioters who at Tanconick had destroyed the House and Cornfields of Josiah Loomis, and taking proper assistance with him as he was ordered, did then and there apprehend the Bodies of Robert Vandusen and John Vandusen, & them did commit to the Goal in Springfield, soon after which they were bailed, but not appearing their Bonds were forfeited; yet for certain Reasons, the Governor gave Orders for suspending the suing of said Bonds by which means he hath not been paid the charge he was at for himself and assistants; And praying an allowance.

[Read and]

*Resolved* that the Prayer of the Petition of Samuel Brown be granted & that the Sum of Nine pounds one shilling & two pence be paid to him out of the publick Treasury for his own time & Expence & to enable him to pay the Assistants mentioned in the Petition. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xxvii., 51.  
Mass.  
Archives, vi.,  
365a.

House Jour-  
nal, pp. 41, 43,  
50. Province  
Laws, xv., 49,  
chap. 107.

## CHAPTER 36.

### RESOLVE IMPOWERING REV<sup>d</sup> ELI FORBES TO CLOTHE AND EDUCATE THREE INDIAN CHILDREN.

*Resolved* that Rev<sup>d</sup> Eli Forbes of Brookfield be and he hereby is Impowered and Directed to procure three Indian Children of the Six nations viz Two males and one female and bring them to his Dwelling house in Brookfield to be Instructed in the English Language Reading writing and the way of Civil life and Especially in the Knowledge & practice of Christianity the Expence whereof to be paid out of the Intrest of the Donation of the Late S<sup>r</sup> Peter Warren Decs<sup>d</sup> for that purpose and the said M<sup>r</sup> Forbes Shall procure the Said Children Cloathing and Bring them to Brookfield upon as easy and frugal Terms as he reasonably Can and after they shall arrive that he shall Cloath, Support and Instruct them as afores<sup>d</sup> at the Rate of Ten shillings ~~per~~ week for Each Child the first year and that he Keep a fair account of His Expences In procuring Cloathing, and Supporting & Instructing Said Children which shall within one Year be laid before this Court and [that]<sup>1</sup> the Province treasurer be and he is hereby Directed to pay out of the Said Intrest to the Said M<sup>r</sup> Eli Forbes the Sum of Forty pounds In advance for the purposes afores<sup>d</sup> he the Said M<sup>r</sup> Forbes to be accountable for the same. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xxvii., 51.  
Mass.  
Archives,  
xxxiii., 424.

Mass.  
Archives,  
xxxiii., 423.  
House Jour-  
nal, pp. 49, 50.  
Province  
Laws, xvi., 60,  
chap. 128.

<sup>1</sup> Inserted from Legislative Records of the Council, xxvii., 52.

## CHAPTER 37.

## RESOLVE GRANTING TO TILLEY RICE LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council,  
xxvii., 53.  
Mass.  
Archives, cxl.,  
558.

Mass.  
Archives, cxl.,  
557. House  
Journal,  
pp. 41, 47, 51.

A PETITION of Timothy Dwight Esq<sup>r</sup> in behalf of M<sup>r</sup> Tilley Rice Setting forth That the said Tilley Rice is removed from keeping a House of public Entertainment at Springfield to the House where Cap<sup>t</sup> Buckminster had for many years kept a Tavern in Brookfield. That said House is a very convenient Stage for Travellers, lying at the parting of two great Roads; that the Court of Sessions for granting Licenses in the County of Worcester will not sit till the third Tuesday in August next. And praying that this Court would empower him to carry on the said business in the mean time.

Read &

*Resolved* that the prayer of the petition be granted & that the within named Tilly Rice be & hereby is Licensed to keep a House of publick entertainment in Brookfield in the House where he now lives until the Next Term for granting Licenses in the County of Worcester he first obtaining the approbation of the Select men of the S<sup>d</sup> Town of Brookfield and Recognizing before two Justices of the peace in S<sup>d</sup> County Quorum Unus in the Sum of Ten pounds to keep good rule & order in his House. [*Passed June 15.*]

## CHAPTER 38.

## ORDER ALLOWING PELEG WISWALL FURTHER TIME TO RETURN A PLAN OF LAND GRANTED HIM.

Legislative  
Records of the  
Council,  
xxvii., 56.

House Jour-  
nal, pp. 44, 55.  
*Ante*, p. 45,  
chap. 86.

A PETITION of Peleg Wiswall of Boston setting forth That on the 5<sup>th</sup> of June 1765<sup>1</sup> the Great and General Court made him a Grant of 500 Acres of the unappropriated Lands of the Province, He to return a plan thereof in twelve months; But that by reason of his great age and infirmities he hath omitted laying out the said Land. And praying for further time.

Read and

*Ordered* That the Petitioner be allowed the further time of twelve months from this time to return the Plan mentioned in the Petition. [*Passed June 16.*]

## CHAPTER 39.

## RESOLVE CONFIRMING THE PROCEEDINGS AT THE TOWN MEETING IN BERKLEY.

Legislative  
Records of the  
Council,  
xxvii., 56.

House Jour-  
nal, pp. 39, 57.

A PETITION of the Selectmen of Berkley setting forth That in the month of March last the Town met and chose the several Town Officers by Law required, who accordingly qualified themselves and entered upon their respective Offices. That the Warrant for calling said meeting tho' signed by three Selectmen yet had but one Seal, whereupon a doubt has arisen respecting the legality of said Meet-

<sup>1</sup> See House Journal, p. 28 (1765), but the grant was for 400 acres. — *Ante*, p. 45, chap. 86.

ing. And praying the intervention of this Court for establishing the same.

Read &

*Resolved* That the Orders or Warrant mentioned in this Petition, and all the transactions of the Town Meeting thereon, had ought to be accounted and adjudged good and valid in Law, any supposed defect therein for want of sealing notwithstanding. [*Passed June 16.*]

## CHAPTER 40.

RESOLVE IMPOWERING HENRY AND RUTH STILES, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ruth Stiles of Hatfield Guardian to her two Sons Oliver Kellogg and Russell Kellogg Minors Setting forth That some years since John Kellogg of Hatfield deceased by his last Will devised to the said Minors certain Lands which will not come into their Improvement till they arrive to the age of 21 years. That the said Russell Kellogg is very solicitous to obtain a Liberal Education, and hath already made a considerable proficiency in Learning. And having no other means to support the Charge, Praying that this Court would empower some suitable person to make Sale of so much of the said Lands as shall be requisite for the purpose aforesaid.

[Read and]

*Resolved* That Henry Stiles and Ruth Stiles Guardians to Oliver Kellogg and Russel Kellogg Minors be, and they are hereby empowered to make sale of so much of the Real Estate belonging to the said Minors as shall amount to a Sum not exceeding One hundred pounds and to make and execute a good deed or deeds of the same to the purchaser, or purchasers, they the said Henry and Ruth giving Bond to the Judge of Probate for the County of Hampshire that the proceeds of said Sale be employed for the use and benefit of the said Minors. [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xxvii., 57.

Mass.  
Archives, xix.,  
771. House  
Journal, pp. 12,  
55.

## CHAPTER 41.

RESOLVE MAKING PROVISION FOR 27 RECRUITS OF THE 14<sup>TH</sup> REGIMENT.

HIS EXCELLENCY THE GOVERNOR having by a Message of the 28 May last acquainted the House of the arrival of Twenty seven Recruits under the command of Ensign Dalrymple of his majesty's 14<sup>th</sup> Regiment of Foot now at Halifax, and having desired that the House would take Order that proper Provision might be made for them.

*Resolved* That such provision be made for these Men while they remain here, as has been heretofore usually made for his majesty's Regular Troops when occasionally in this Province, and that the Commissary General be, and he hereby is directed to see that this Resolve be put in execution. [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xxvii., 57.

Legislative  
Records of the  
Council,  
xxvii., 8.  
House Jour-  
nal, p. 56.



## CHAPTER 42.

RESOLVE ALLOWING 27/ TO SAM<sup>L</sup> DENNY.

Legislative  
Records of the  
Council,  
xxvii., 103.

House Jour-  
nal, pp. 10, 13,  
25.

A PETITION of Samuel Denny of Leicester Setting forth That he was recognized to appear at the Superior Court at Taunton in 1765 as a Witness in the case of one Henry Crossman then a Prisoner in Taunton Goal for Theft, who was found guilty and afterwards pardoned. That the Petitioners place of abroad is seventy miles from Taunton and that he hath received nothing for his Travel & attendance. And praying an Allowance.

[Read and]

*Resolved* that the Sum of twenty seven shillings be allowed & paid out of the public Treasury, to Cap<sup>t</sup> John Brown for the use of the Petitioner in full for his Travel and attendance as within mentioned. [*Passed June 16.*]

## CHAPTER 43.

## RESOLVE IMPOWERING SAMUEL AND JOHN DUTCH TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 58.

House Jour-  
nal, pp. 49, 57.

A PETITION of Samuel Dutch and John Dutch both of Danvers Setting forth, That their Father Samuel Dutch died in the year 1752 leaving four Children, two of which are daughters & minors, That their Fathers whole Estate, except Household Goods consisted of a Dwelling house, a Saw mill, Grist mill and about twenty acres of Land all lying in Ipswich: That in March last the Grist Mill fell down & is intirely destroyed. That the Saw Mill and dwelling house are so gone to decay that there is little like to be left besides the Land when the youngest daughter shall come of age. And praying that they may be impowered to make Sale of the said Estate for the use and benefit of the Heirs.

[Read and]

*Resolved* That Samuel Dutch and John Dutch of Danvers be, & they are hereby impowered to make Sale of the Dwelling House, Saw Mill and Grist Mill and twenty Acres of Land lying in Ipswich which belonged to their Father Samuel Dutch deceased for the most the same will fetch, and to make and execute a good deed or deeds of the same to the purchaser or purchasers, they giving Bond to the Judge of Probate for the County of Essex that the produce of said Sale, so much thereof as by Law belongs to their Sisters Mary & Mehitabel, Minors, be put out on Interest, and that the said Samuel and John pay the same to them when they come of age or time of Marriage. [*Passed June 17.*]

## CHAPTER 44.

## VOTE CHOOSING A GUARDIAN FOR THE PUNCAPOG INDIANS.

Legislative  
Records of the  
Council,  
xxvii., 59.  
Mass.  
Archives,  
xxxiii., 425.

House Jour-  
nal, pp. 56, 59.  
Province  
Laws, xvii.,  
360, chap. 305.

THE TWO HOUSES according to Agreement proceeded to the Choice of a Person to be Guardian of the Puncapog Indians, in the room of Joseph Billings who desired to be excused from that Service And the Votes being collected & sorted, it appeared that Jonathan Capen was chosen by a great Majority. [*Passed June 17.*]



## CHAPTER 45.

## RESOLVE ALLOWING £4 ANNUALLY FOR FOUR YEARS TO WM COVELL.

A PETITION of William Covel of Wellfleet in the County of Barnstable Setting forth That he hath been five times in his Majesty's Service and contracted such a lameness therein, that he is become incapable of getting a livelihood; that his only Son did also serve thro' four or five Campaigns, but is now dead, and the Petitioner being upwards of sixty three years of age, is destitute of Relations to help him. And praying for Relief from this Court. \*

Legislative  
Records of the  
Council,  
xxvii., 60.

Mass.  
Archives,  
lxxx., 637.  
House Journal,  
pp. 31, 59,  
60.

[Read and]

*Resolved* That there be paid out of the public Treasury to the Selectmen of Wellfleet the Sum of four pounds annually for the space of four years by them to be employed for the support of William Covel a person wounded in the Province service and now a cripple; said Grant to cease at the death of said Covel in case it should happen before said four years be expired. [*Passed June 17.*]

## CHAPTER 46.

## RESOLVE ALLOWING £40. 1. 8 TO WM THAYER.

A PETITION of William Thayer of Mendon setting forth That he being Captain of a foot Company in Mendon, was, pursuant to two Acts of this Government made in 1758 & 1759 obliged to furnish out of his Company a certain Quota of Men, for which purpose the Government granted a Bounty and made provision that in case the Men did not inlist by a certain time they should be impressed, and made further provision that a Sum not exceeding £13.6.8 <sup>p</sup> man should be employed in behalf of the people called Quakers to hire their proportion of Men in case there should not be enough raised by inlistment: That the Petitioner, finding the Province Bounty insufficient to engage the Men, advised with other Officers; and thereupon proposed to his Company to contribute a Sum in addition thereto in order to obtain the Men by inlistment, who readily agreed to it; and one George Aldrich agreed the same in behalf of the Quakers, and so the Men were inlisted: Yet the Quakers afterwards refused to pay anything because the men were inlisted and not impressed; whereupon a Suit has been commenced, and the Petitioner adjudged to pay damages and Costs. And praying relief.

Legislative  
Records of the  
Council,  
xxvii., 61.

Mass.  
Archives,  
lxxx., 643.

Mass.  
Archives,  
lxxx., 641.  
House Journal,  
pp. 57, 59.  
Province  
Laws, iv., 159,  
chap. 3; 192,  
193, chap. 21.

Read &

*Resolved* that the Sum of forty pounds One shilling & Eight pence be paid out of the publick Treasury to the Petitioner William Thayer in full Consideration for the Expence & trouble he has been put to, by means of the Suit brot against him as mentiond in his Petition. [*Passed June 17.*]

## CHAPTER 47.

## RESOLVE IMPOWERING TIMOTHY WOODBRIDGE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 67.

House Jour-  
nal, pp. 33, 47,  
62, 63.

A PETITION of Timothy Woodbridge of Hatfield Clerk Setting forth That Col<sup>o</sup> Joshua Lamb late of Roxbury deceased by his last Will and Testament, among other things devised to the Petitioner during his life, and at his decease to the Petitioner's Son Joshua Lamb Woodbridge a Minor, and in want of issue to the last mentioned person, to be to the Petitioner and his Heirs, a certain Tract of Land lying in Roxbury a little West of the Meeting House containing about ten Acres. And inasmuch as the said Land is very unprofitable, and as the Petitioner has an opportunity to purchase Lands of three times the value with the money it would produce; Praying that he may be impowered to make sale of the said ten Acres and vest the produce in other Lands.

[Read and]

*Resolved* That the Petitioner Timothy Woodbridge be and hereby is impowered to make Sale of the Land mentioned in his Petition, and to make and execute a good deed or deeds of the same to the purchaser or purchasers, & that the money arising by the said Sale to be laid out in Lands, and the Lands so bought shall be & remain to the same Uses, and no other, than those to which the said Land hereby ordered to be sold were settled & disposed by virtue of the last Will and Testament of Joshua Lamb deceased mentioned in the Petition. And that the Petitioner give Bond to the Judge of Probate for the County of Hampshire that the said money be so applied. [*Passed June 18.*]

## CHAPTER 48.

## RESOLVE DIRECTING JOSEPH HAWLEY TO MAKE REPORT FOR A CERTAIN COMMITTEE.

Legislative  
Records of the  
Council,  
xxvii., 68.

House Jour-  
nal, pp. 44, 58,  
59. Province  
Laws, xv., 314,  
chap. 365.

THE FOLLOWING RESOLVE passed on the petition of David Ingersoll of Great Barrington, in regard to the purchase of a tract of land from a committee of the General Court, two of whom died before the committee made report<sup>1</sup>

Whereas Joseph Dwight, Joseph Hawley & John Choate Esq<sup>rs</sup> were in the month of April 1755 appointed a Committee to make Sale of the Right, Title and Estate of this Province for all the Lands West of Sheffield and Stockbridge, and to make Report to the General Court at the then next Session of their doings thereon. And it doth not appear that said Committee have as yet made any Report; and the said Joseph Dwight and John Choate Esq<sup>rs</sup> two of said Committee being now deceased Therefore

*Resolved* That Joseph Hawley Esq<sup>r</sup> the sole survivor of said Committee be and he hereby is directed to make Report to this Court as soon as may be of the doings of the Committee aforesaid. [*Passed June 18.*]

<sup>1</sup> See Legislative Records of the Council, xxvii., 68, and the House Journal, p. 44.

## CHAPTER 49.

RESOLVE REMITTING TO THE TOWN OF HOPKINTON £9 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Joseph Mellen Agent for the Town of Hopkinton Praying that in consideration of their poverty, and the Expence they have lately been at in supporting their poor, in repairing their meeting house and in building a School House, a Fine of Nine pounds laid upon them the last year for not sending a Representative may be remitted them.

[Read and]

*Resolved* That there be allowed and paid out of the public Treasury to Joseph Mellen Agent for the Town of Hopkinton the Sum of Nine pounds, the said Town being fined that Sum for not sending a Representative to the General Court the least year. [*Passed June 18.*]

Legislative  
Records of the  
Council,  
xxvii., 69.

House Jour-  
nal, pp. 11, 23,  
63. Province  
Laws, iv., 887,  
chap. 6; 927,  
note.

## CHAPTER 50.

ORDER ACCEPTING REPORT OF THE COMMITTEE ON NEW HAMPSHIRE LINE AND DIRECTING THEM TO SEND FOR TESTIMONY IN REGARD TO THE RUNNING THEREOF.

THE COMMITTEE appointed to take into consideration Mr Jacksons Letter of the 22<sup>d</sup> of January last relating to the affair of New Hampshire Line, and to prepare Instructions to Mr De Berdt relating thereto, report That having fully examined the evidence relating to this Province proceeding in the settling of the said Line no evidence appears that application has been made to Walter Bryant Esq<sup>r</sup> who ran that Line in 1741 to give his Testimony relative thereto, which to your Committee appears necessary to be had, as also an evidence from Cap<sup>t</sup> Gowing who was concerned in that affair in behalf of this Province; and your Committee is humbly of opinion, that it is of so great consequence that an Express be sent as soon as may be in order to procure the Testimonies aforesaid.

Legislative  
Records of the  
Council,  
xxvii., 69.  
Mass.  
Archives, v.,  
288.

Legislative  
Records of the  
Council, xxvi.,  
472, 498; xxvii.,  
9, 25. House  
Journal, p. 63.  
*Ante*, p. 208,  
chap. 204.

All which is submitted BENJ<sup>A</sup> LINCOLN p<sup>r</sup> Order

Read & accepted &

*Ordered* that the said Com<sup>t</sup> be directed forthwith to send an Express with proper Directions to some suitable person for the purposes mentiond. [*Passed June 18.*]

## CHAPTER 51.

RESOLVE ALLOWING £11.3 TO THE DISTRICT OF EGREMONT.

A PETITION of Timothy Kellogg, Samuel Colver and Ephraim Fitch Selectmen of Egremont Setting forth That the said District lyes adjoining to Nobletown claimed by New York; and as the Line between the two Governments is unsettled, sundry Inhabitants of Egremont have suffered in the late disturbances in those parts, and the whole Town kept in Alarm for the space of six Weeks, whereby

Legislative  
Records of the  
Council,  
xxvii., 73.

Mass.  
Archives, vi.,  
342.

Mass.  
Archives, vi.,

340. House Journal, pp. 15, 66. *Ante*, p. 216, chap. 22; p. 238, chap. 25.

they have been greatly hurt in their Crops: That they have been the last year engaged in building a meeting house; besides which they have been obliged to furnish their Friends & neighbours at Nobletown with necessaries in the time of their distress. And praying an allowance of their Account for the articles last mentioned, and an abatement of their Province Tax in consideration of their own sufferings.

Read &

*Resolved* that there be allowd & paid out of the publick Treasury the Sum of Eleven pounds three Shillings to M<sup>r</sup> Ephriam Fitch for the Use of the District of Egremont in full Discharge of the Account given in to this Court by the Selectmen of Egremont aforesaid. [*Passed June 19.*]

## CHAPTER 52.

### ORDER IMPOWERING SAM<sup>l</sup> WHITE TO DEFEND HIMSELF AGAINST AN ACTION.

Legislative Records of the Council, xxvii., 34, 74.

Legislative Records of the Council, xxvi., 383; xxvii., 60. House Journal, pp. 33, 48, 60, 66. *Ante*, p. 218, chap. 224.

A PETITION of Samuel White of Dedham praying that he may be allowed to appear and defend an Action commenced against him by David Fisher, his default notwithstanding,

Read And

*Ordered* that the Petitioner have liberty to defend himself against the Action in said Petition mentioned at the next Inferior Court of Common pleas to be held at Boston within and for the County of Suffolk on the second Tuesday of July next; and that the Justices of said Court be empowered to receive and admit the Petitioner's pleas and give Judgment thereon accordingly, the default mentioned in said Petition notwithstanding. Provided the Petitioner give sufficient security to the Sheriff of the County of Suffolk to pay such Sum or Sums of Money as shall finally be recovered against him, and that the said Samuel White Serve the said David Fisher with a Copy of this Order fourteen days before the sitting of said Court. [*Passed June 19.*]

## CHAPTER 53.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative Records of the Council, xxvii., 76.

House Journal, pp. 9, 56.

AN ACCOUNT of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Account being right cast and well vouched, be allowed: And that the Treasurer be discharged of the Sum of Five hundred and ninety seven pounds, six shillings and 11<sup>43</sup>/<sub>4</sub> which he has paid by order of the Court of Sessions, and that he be further accountable for the Sum of Seventy eight pounds, seventeen shillings and five pence one farthing a balance still due to the County. [*Passed June 19.*]

## CHAPTER 54.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

AN ACCOUNT of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk was laid before the Court for allowance whereupon the following Order passed viz<sup>t</sup>

*Resolved* That the within Account, being right cast and well vouched be allowed; and that the Treasurer be discharged of the Sum of Sixteen hundred and sixty nine pounds, eighteen shillings  $\frac{1}{4}$  which he has paid by order of the Court of Sessions, and that there is due to said Treasurer from the County two hundred eighteen pounds, eighteen shillings and three pence  $\frac{3}{4}$  and that there is out standing in Taxes yet unpaid the Sum of Sixteen hundred and ninety two pounds, fourteen shillings and eleven pence, for which the said Treasurer is further accountable when he shall receive the same. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xxvii., 78.

House Jour-  
nal, pp. 2, 61,  
63.

## CHAPTER 55.

## RESOLVE IMPOWERING SETH HAMBLÉN, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Seth Hamblén Executor of the last Will and Testament of Southward Hamblén late of Barnstable deceased Setting forth That the deceaseds personal Estate is insufficient to pay his just debts which amount to £102.1 more than his said Estate. And praying that he may be empowered to sell of the deceaseds Real Estate to the amount and for the purpose aforesaid.

[Read and]

*Resolved* That Seth Hamblén of Barnstable sole Executor to the last Will and Testament of Southward Hamblén deceased be, and he is hereby empowered to make Sale of so much of said deceaseds Real Estate as will amount to One hundred and two pounds one shilling and cost of Sale, and make and execute a good deed or deeds to the purchaser or purchasers thereof; He attending the directions of the Law respecting the sale of Real Estates by Executors & Administrators; He first giving Bond to the Judge of Probate for the County of Barnstable that the proceeds of said Sale shall be applied to the discharge of the just debts of the said Southward Hamblén. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xxvii., 80.

Legislative  
Records of the  
Council, xxvi.,  
410. House  
Journal, pp. 59,  
67, 68. Prov-  
ince Laws,  
ii., 151, chap. 10.

## CHAPTER 56.

ORDER OF NOTICE WITH STAY OF ALL PROCEEDINGS ON THE PETITION OF J<sup>n</sup>o NORTON IN REGARD TO CONFIRMATION OF LAND PURCHASE.

A PETITION of John Norton Esq<sup>r</sup> of Edgartown Agent for the Proprietors of the Island of Chapaquidic within the said Township Setting forth That their Ancestors purchased the said Island

Legislative  
Records of the  
Council,  
xxvii., 81.

Mass.  
Archives,  
cxviii., 233.

Mass.  
Archives,  
cxviii., 292.  
House Jour-  
nal, pp. 62, 65.  
Province  
Laws, xvii., 81,  
chap. 198; 403,  
chap. 53; 542,  
chap. 76.

of the Indian Natives, that the Lands thereon together with other Lands were confirmed to them by the Royal Charter, that they were also confirmed to them by Francis Lovelace Governor of New York, and after they were annexed to this Province, were confirmed by an Act or Law of this Province, all which confirmations were made according to their Grants or Letters Patent. That several petitions have of late years been preferred to the General Court by the proprietors to have the said Lands set off to the purchasers, which have been referred to a Committee who have agreed to report, which Report they pray may not be accepted till the Proprietors have had a hearing thereon. And further praying that the Lands purchased of the Indians may be confirmed to the Proprietors, they paying their proportionable part of the purchase money, and that this Court would interpose for the welfare of the said propriety.

Read &

*Ordered* that the Proprietors of the said Island both English & Indian be notifyd of this Petition by the Petitioner, by serving them with a Copy of the same to shew Cause on the second Thursday of the next Session of this Court why the Prayer should not be granted & that in the mean time all Proceedings in the General Court & at the Common Law Courts relative to Chappoquideck be stayd. [*Passed June 20.*]

## CHAPTER 57.

### RESOLVE IN REGARD TO THE PROVINCE HOSPITAL AT WEST PART OF BOSTON.

Legislative  
Records of the  
Council,  
xxvii., 82.  
Mass.  
Archives,  
lxxxvii., 372.

House Jour-  
nal, p. 67.  
Province  
Laws, ii., 943,  
chap. 8.

WHEREAS a good & Convenient House hath been provided at the Charge of the Province at the West part of Boston for the Reception of such persons as shall be Visited with Contagious Sickness, which was Suppos'd & intended to be put under the Care and Regulation of the Select Men of the Town of Boston, in the same way & manner as the Hospitall at Rainsford Island is by Law under their Care and Management, and whereas the Select Men of said Town have ever since acted agreeable thereunto which in Consequence of their Care under Providence hath at sundry Times been the means of preventing the Small Pox spreading in said Town, & thereby of preventing spreading the same into the Country Towns which would have been of fatal Consequence, & whereas the power of said Select Men relative thereto hath of late been Call'd in question, Therefore

*Resolved* that the Select Men of said Town for the Time being be & hereby are vested with the same power Right & Authority with Respect to said Province Hospitall in said West part of Boston as by Law they are Vested with, with Respect to the Hospitall on Rainsford Island till the further order of this Court. [*Passed June 20.*]



## CHAPTER 58.

## RESOLVE ALLOWING £250 TO THE COMMISSARIES FOR SETTLING THE LINE WITH NEW YORK.

THIS COURT having at their sessions in March last made choice of the Hon<sup>ble</sup> Thomas Hutchinson Esq., The Hon William Brattle Esq<sup>r</sup> and Edward Sheaf Esq<sup>r</sup>, Commissarys, to Settle the Line between this Province & that of New York, in conjunction with such as may be Chosen by the Government of New York

*Resolved* that there be paid to the Said Commissarys, out of the Publick Treasury the Sum of Two hundred & fifty pounds, to enable them to discharge the Important Trust, to which they are Appointed, They, upon their return to be accountable for the Same. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xxvii., 83.  
Mass.  
Archives, vi.,  
368.

House Jour-  
nal, p. 69.  
*Ante*, p. 211,  
chap. 213.

## CHAPTER 59.

## ORDER ACCEPTING AND CONFIRMING A PLAN OF THE BOUNDARY LINES OF BIDEFORD, SCARBORO' AND FALMOUTH.

WHEREAS there was a Plan taken of several Townships by John Brown Esq<sup>r</sup> Surveyor by order of a Committee of this Court in 1763 viz<sup>t</sup> of Narraganset N<sup>o</sup> 1, Pearsonstown N<sup>o</sup> 7, with the Lines of Bideford, Scarborough and Falmouth as run by said Committee, which Plan is mislaid or lost; & an Order thereupon passed this Court in their present Session, that the said John Brown take an exact Plan of said Townships, and running said Lines of said Bideford, Scarborough and Falmouth from his Field Book or Journal, and make Oath to the same; in consequence of which Order of Court the said John Brown hath returned the within Plan, by which Plan it appears that the Boundary or Head Lines between the Towns of Falmouth & Scarborough, Bideford and the Plantation called Narraganset N<sup>o</sup> 1 & N<sup>o</sup> 7, called Gorhamtown are as followeth Begining at a maple tree standing fifteen Rods below Inkhorn brook, and from thence runs South 23<sup>d</sup> 30 M East 2 Miles & 226 Rods to a Spruce marked, which stands in the dividing Line between Falmouth & Scarborough; from thence South 63 degrees West 915 Rods to a large Hemlock standing in the Line between Narraganset N<sup>o</sup> 1 & N<sup>o</sup> 7 called Gorhamtown; from thence South 63 degrees West as aforesaid 430 poles to a Beach Tree which stands in the dividing Line between Scarborough and Bideford; and from thence Southwest 1,210 Rods to a maple tree standing near or on the Banks of Saco River.

*Ordered* That the said Plan be accepted in lieu of the first mentioned Plan; and it is hereby declared, that it shall have the same force and effect as the first mentioned Plan ever had or could have had to all intents and purposes whatsoever. [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xxvii., 83.

Maps and  
Plans, Mss.,  
xiv., 6. House  
Journal, pp. 14,  
70, 72.  
Province  
Laws, xvii.,  
147, chap. 345;  
332, chap. 241.  
*Ante*, p. 228,  
chap. 3.

## CHAPTER 60.

ORDER REFERRING THE PETITIONS OF W<sup>m</sup> KELLOGG IN REGARD TO  
LOSSES OF INHABITANTS OF NOBLETOWN.

Legislative  
Records of the  
Council,  
xxvii., 69, 85.  
Mass.  
Archives, vi.,  
370.

Mass.  
Archives, vi.,  
369. Legislative  
Records of the  
Council,  
xxvii., 71, 72.  
House Jour-  
nal, pp. 61, 62,  
64, 72. *Ante*,  
p. 198, chap.  
183; p. 249,  
chap. 51; p. 253,  
chap. 58.

A PETITION of William Kellogg Agent for the plantation called Nobletown Setting forth That in the late disturbances at said place the Inhabitants suffered to the amount of about Two thousand pounds lawful money, besides other injuries and abuses committed by the people of New York, for redress whereof they have applied to the Governor of New York, but without effect. And praying the interposition of this Court for their Relief.

The Committee on the Petition of William Kellogg Agent for the Inhabitants of Nobletown reported That the said William hath laid before this Committee sundry Accounts of losses sustained by the said Inhabitants in the year 1766 as mentioned in said petition amounting in the whole to the Sum of Two thousand two hundred & thirty one pounds, sixteen shillings of the currency of New York; a List of which Accounts is hereto annexed, and all of them except three Sworn to by the sufferers themselves as to part of their losses and the residue of their losses apprizd and certified by persons under Oath supposed to be indifferent.

Yet inasmuch as the losses aforesaid have been occasioned by disputes relative to the dividing Line between this Province and the Province of New York and as Commissaries are now appointed by both Provinces to settle and determine the same: The Committee are humbly of opinion that this Petition, and the other Petitions of the said Inhabitants, by the said William Kellogg and others their Committee, and the Petition of William Beavins and the further consideration thereof be referred to the next sitting of this Court. And that in the meantime Copies of these Petitions be made out to the Commissaries aforesaid on the part of this Province, that they may make any use thereof or motion thereon which they may think proper in behalf of said Petitioners to the Commissaries on the part of New York at the expected Interview between them.

Signed JOHN WORTHINGTON *per* Order

Read and Accepted: And

*Ordered* That the Petitions therein mentioned be referred to the next Sitting of this Court accordingly: and that the Commissaries appointed in behalf of this Government to settle the Line with New York be furnished with Copies of the said Petitions that they make any Use thereof or Motion thereon which they may think proper (in behalf of the said Petitioners) to the Commissaries on the part of New York at the expected Interview between them. [*Passed June 22.*]

## CHAPTER 61.

RESOLVE IMPOWERING JOS: WILLIAMS, ESQ<sup>r</sup>, AND OTHERS, TO SELL  
LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 86.

A PETITION of Joseph Williams Esq<sup>r</sup> of Roxbury in behalf of the Feoffees in trust for the management of the Free School at the Easterly part of said Town Setting forth That there are about

ten Acres of Land belonging to said School at a place called Pond Hill in Roxbury, which lyes remote from any Road and cannot be come at, but by sufferance, by reason whereof the Income of said Land is and must be inadequate to the Sum they can now sell it for. And praying that they may be impowered to make Sale of said ten Acres of Land; the monies thereby arising to be improved at interest until there shall be opportunity to vest it in other Lands.

[Read and]

*Resolved* that Eleazer Williams & Joseph Williams. Esquires Mess<sup>rs</sup> Samuel Gridley Daniel Williams Samuel Sumner John Williams & John Mears Jun<sup>r</sup> Gent Feoffees in Trust for the Management of the free School in the easterly Part of said Town of Roxbury be and hereby are authorized & impowered to make Sale of the Lands in the Petition mentioned for the Most the Same will fetch & to give & Execute A good & Sufficient Deed or Deeds Thereof to the Purchaser or Purchasers they Giving Bond to the Town Treasurer of Roxbury and his Successor in said Office<sup>1</sup> that the money arising by said Sale Be put on Interest & the Interest from Time to Time be applied to & for the Benefit of said Schooll untill the s<sup>d</sup> Feoffees or Their Successors in Trust may have Oppertunity of purchasing other real Estate (with The principal arising by s<sup>d</sup> Sale) more to the Advantage of said School which the s<sup>d</sup> Feoffees are Hereby authorized & impowered to do. [*Passed June 22.*]

Mass.  
Archives,  
lviii., 569.

House Jour-  
nal, pp. 68, 71.  
Province  
Laws, xvi., 648,  
chap. 176.

## CHAPTER 62.

RESOLVE ACCEPTING REPORT OF THE COMMITTEE ON THE PROVINCE  
TREASURER'S GENERAL ACCOUNT FROM MAY 28, 1766, TO MAY 27, 1767,  
AND DISCHARGING HIM OF £289,560. 9. 8.

THE COMMITTEE to whom was referred the examination of the Accounts of Harrison Gray Esq<sup>r</sup> Treasurer & Receiver General of his Majesty's Revenues within this Province of the Massachusetts Bay in New England beginning the 28<sup>th</sup> of May 1766 ending the 27 May 1767, having attended that Service; upon examining the same find them right cast and well vouched; by which it appears that the said Accomptant charges himself with the Sum of Eighty five thousand, one hundred thirty nine pounds, sixteen shillings and five pence, being so much due for Taxes as represented by his last Account. Also with the Sum of One hundred & four thousand, nine hundred seventy one pounds, sixteen shillings & eleven pence the balance due by last Account: With the Sum of One hundred ninety seven thousand pounds borrowed of sundry persons by virtue of an Act passed in May last: With the Sum of Forty two thousand, seven hundred eighty six pounds thirteen shillings & five pence a Tax laid upon Polls and Estates by virtue of an Act of the General Court passed in May 1766. Also with the Sum of Twenty two hundred & forty pounds twelve shillings & eight pence received of sundry persons on Account of Lands sold them. With the Sum of Eight hundred pounds received of the hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Commissary General being the profits arising by the Indian Trade. Also with the Sum of Ninety four pounds received of his honor Thomas Hutchinson Esq<sup>r</sup> for Goods plundered out of his House & returned. With the Sum of One hundred fourteen pounds received of his

Legislative  
Records of the  
Council,  
xxvii., 88.

Legislative  
Records of the  
Council,  
xxvii., 24.  
House Jour-  
nal, pp. 25, 74.

<sup>1</sup> *Sic.*

Honor Thomas Hutchinson Esq<sup>r</sup> on account of the Ship King George. Also with the Sum of Five hundred twenty pounds, six shillings & eight pence received of sundry persons for Excise on Tea Coffee &c. Also with the Sum of Eleven thousand, seven hundred and nineteen pounds, thirteen shillings and five pence received of the Collectors of Excise on Spirituous Liquors. Also with the Sum of Nine hundred eighteen pounds, seven shillings & three pence received of William Story Esq<sup>r</sup> being the Provinces proportion of a Seizure of Molosses at Salem. Also with the Sum of Fifteen hundred forty four pounds eight shillings and eight pence in part for the Province Ship. Also with the Sum of Thirty four pounds ten shillings and three pence received of Oliver Partridge Esq<sup>r</sup> the balance due from him as one of the Commissioners at the Congress at New York. Also with the Sum of Three pounds, twelve shillings received for Fines &c: With the Sum of Fourteen hundred, eleven pounds, seventeen shillings & ten pence received of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> Commissioner of Impost duties: All which Sums amount to Four hundred forty nine thousand, two hundred ninety nine pounds, fifteen shillings & six pence.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursements by order of the Governor and Council amounting to Twenty five thousand four hundred, nineteen pounds, eight shillings and four pence. Also by Bills of Exchange drawn on Jasper Mauduit Esq<sup>r</sup> which were returned protested amounting to Seventeen hundred fifty three pounds, one shilling & three pence. Also by Government Securities burnt by a Committee of the hon<sup>ble</sup> Court amounting to two hundred sixty two thousand and forty five pounds, nine shillings & four pence. Also by one years interest paid sundry persons amounting to Two hundred seventy four pounds, six shillings and three pence. Also by a remittance of Sixty eight pounds four shillings & six pence on the Town of Middleborough. Also by Taxes still outstanding amounting to Eighty two thousand five hundred forty two pounds, eleven shillings and nine pence, and by balance in hand further to account for Seventy seven thousand, one hundred ninety six pounds fourteen shillings and one penny. All which Sums amount to in the whole Four hundred forty nine thousand, two hundred ninety nine pounds, fifteen shillings and six pence.

Read & accepted: And

*Resolved* that the Treasurer be, and hereby is discharged of the several payments in the foregoing Account amounting to Two hundred & eighty nine thousand, five hundred and sixty pounds, nine shillings and eight pence. Also that he be further accountable for the Sum of Eighty two thousand, five hundred and forty two pounds, eleven shillings and nine pence outstanding Taxes due from the several Towns when received into the Treasury, & the further Sum of Seventy seven thousand, one hundred ninety six pounds, fourteen shillings & one penny balance in hand. [*Passed June 23,*

## CHAPTER 63.

## ORDER ALLOWING £3 TO OSGOOD CARLETON.

A PETITION of Osgood Carleton now of Nova Scotia Setting forth That he was a Soldier in the pay of this Province in 1759 & 1760 under Cap<sup>t</sup> Newhall; that his Lieu<sup>t</sup> in making up the Muster Roll by mistake charged him with a Gun for which Three pounds was stopped out of his pay, whereas by his said Captain's Account it appears that the Gun had been returned. That the Petitioner had been for five years last past out of the Province. And praying that he may be allowed the Sum thus kept back.

Read &

*Ordered* that there be paid out of the publick Treasury the Sum of three pounds in full for a Stoppage of a Gun as set forth in the Petition. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxvii., 92.  
Mass.  
Archives,  
lxxx., 645.

Mass.  
Archives,  
lxxx., 644.  
House Jour-  
nal, pp. 60, 72.  
Province  
Laws, xvi., 247,  
chap. 89.

## CHAPTER 64.

## VOTE APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

In Council

*Voted* that John Erving Thomas Hubbard, Thomas Flucker, & Andrew Belcher Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House shall join, be a Comm<sup>e</sup> in the Recess of the Court, to repair to the Treasurers, take an Account of y<sup>e</sup> Prov<sup>e</sup> Securities, which may have been redeemed by him, see them consumed to Ashes, & make report at the next sitting of the General Court.

In the House of Represent<sup>ves</sup>

Read & Concurr'd & M<sup>r</sup> Speaker M<sup>r</sup> Otis Coll Williams M<sup>r</sup> Hancock & M<sup>r</sup> Adams are joynd. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xxvii., 94.  
Mass.  
Archives, civ.,  
465.

House Jour-  
nal, pp. 72, 73.

## CHAPTER 65.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF OLIVER PARTRIDGE AND OTHERS.

A PETITION of Oliver Partridge Esq<sup>r</sup> in behalf of himself and the other Proprietors of the Township N<sup>o</sup> 2 in the County of Berkshire which they bought of the Government in 1762. Praying that they may be allowed a further time to pay in what remains unpaid of the purchase money they paying interest therefor in the meantime.

[Read and]

*Resolved* That the Province Treasurer be, and he hereby is directed to suspend putting in suit the Bond given to this Province in the year 1762 by Oliver Partridge Esq<sup>r</sup> & his Associates for the purchase consideration of the Township N<sup>o</sup> 2 in the County of Berkshire until the further Order of this Court: Provided they the aforesaid Oliver Partridge Esq<sup>r</sup> and his Associates forthwith pay or cause to

Legislative  
Records of the  
Council,  
xxvii., 95.

House Jour-  
nal, pp. 53, 73,  
75. Province  
Laws, xvii.,  
242, chap. 59.  
*Ante*, p. 125,  
chap. 24.



be paid to the Province Treasurer abovesaid the whole of the Interest now due on said Bond; and also pay or cause to be paid the interest thereof annually as it shall become due, otherwise to put the same in suit the first Court next after such failure, the next July Court in the County of Suffolk excepted. [*Passed June 24.*]

## CHAPTER 66.

ORDER REFERRING THE PETITION OF JN<sup>o</sup> WORTHINGTON, ESQ<sup>a</sup>, AND DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF MOSES PARSONS.

Legislative  
Records of the  
Council,  
xxvii., 96.

House Jour-  
nal, pp. 47, 75.  
Province  
Laws, xvii.,  
242, chap. 50;  
338, chap. 255.

A PETITION of John Worthington Esq<sup>r</sup> in behalf of Samuel Hitchcock, James Sikes and Moses Bliss, all of Springfield Setting forth That in June 1762 one Moses Parsons of Middletown in Connecticut purchased of the Province the new Township N<sup>o</sup> 7 for £875, and paid as Earnest the Sum of £20 and gave his Bond to the Province Treasurer with Sureties for the remainder. That the said Samuel and James with sundry others purchased of said Moses Parsons rights in the said Township Purely with intent to make Settlements thereon, and paid the said Moses for the same. That there is a deficiency of 7,633 Acres by means of former Grants and short measure, and the said Parsons being reduced in his circumstances the purchasers are in danger of losing their money and improvements. And praying a remission of a proportionable part of the purchase consideration, or an equivalent for the deficiency, & some indulgence with regard to the terms of settlement, as they have been prevented from prosecuting of it by reason of the fore-mentioned difficulties.

Read &

*Ordered* That the consideration of this Petition be referred to the next Winter Session of this Court, and that the Treasurer be directed to suspend the putting Moses Parsons's Bond in suit till further Order of this Court. [*Passed June 24.*]

## CHAPTER 67.

RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF JOHN WALKER AND OTHERS.

Legislative  
Records of the  
Council,  
xxvii., 97.

House Jour-  
nal, pp. 62, 76,  
77. Province  
Laws, xvii.,  
242, chap. 50;  
327, chap. 233.

A PETITION of John Murray Esq<sup>r</sup> setting forth That in Feb<sup>y</sup> 1764 John Walker and others of Hartford in Connecticut purchased a Tract of Land of this Government lying in the County of Berkshire for £800 for which Sum the Petitioner became bound with him to the Province Treasurer, part of which is already paid in, and that in three months time he expects to make a further payment so as to compleat the Sum of £500 And praying that they may be indulged with further time for payment.

[Read and]

*Resolved* That the Province Treasurer be, and hereby is directed to suspend putting in suit the Bond given to this Province in the year 1762 by John Walker & others for the purchase consideration of a Tract of Land lying in the County of Berkshire until the further Order of the Court. Provided the aforesaid John Walker & his Asso-



ciates forthwith pay or cause to be paid to the Province Treasurer the whole of the interest now due on said Bond: and also pay or cause to be paid the interest thereof annually as it shall become due; otherwise to put the same in suit the first Court next after such failure; the next July Court in the County of Suffolk excepted. [*Passed June 24.*]

## CHAPTER 68.

RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF NOAH NASH AND OTHERS.

*Resolved* that the province Treasurer be & he hereby is directed to Suspend putting in Suit the Bond given to this province in y<sup>e</sup> Year 1762 by Noah Nash & his Associates for the purchase Consideration of the Township N<sup>o</sup> 4 in the County of Berkshire (Until the further Order of the Court) provided the aforesaid Noah Nash & his Associates forthwith pay or Cause to be paid to the province Treasurer the whole of the Interest now due on said Bond And also pay or Cause to be paid the Interest thereof Annually as it Shall become due otherwise to put the Same in Suit the first Court next after Such failure the Next July Court in the County of Suffolk excepted. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxvii., 98.  
Mass.  
Archives, civ.,  
466.

House Jour-  
nal, pp. 51, 77.  
Province  
Laws, xvii.,  
242, chap. 50.  
*Ante*, p. 28,  
chap. 47.

## CHAPTER 69.

RESOLVE ALLOWING THE PROVISION ACCOUNT OF THE COMMISSARY GENERAL.

THOMAS HUBBARD Esq<sup>r</sup> Commissary General laid before the Court his Account of Provisions which having been previously examined by Committees of the two Houses respectively, the following Order passed thereon viz<sup>t</sup>

*Resolved* that the foregoing account be allowed, and that the Commissary General be, and hereby is further accountable to the Province for seventeen Barrells of Pork and seven Bushels and half of Pease. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxvii., 99.

Legislative  
Records of the  
Council,  
xxvii., 24.  
House Jour-  
nal, pp. 25, 77.

## CHAPTER 70.

RESOLVE ALLOWING THE INDIAN TRADE ACCOUNT OF THE COMMISSARY GENERAL.

THOMAS HUBBARD Esq<sup>r</sup> Commissary General laid before the Court his Account of Trade with the Indians which having been previously examined by Committees of the two Houses respectively, the following Order passed thereon viz<sup>t</sup>

*Resolved* that the foregoing Account be allowd & that the Hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Commissary General be & hereby is further accountable to this Province for the Ballance being Two thousand seven hundred & five pounds ten shillings & Eight pence one farthing. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxvii., 100.  
Mass.  
Archives, cx.,  
621.

House Jour-  
nal, p. 77.  
*Supra*, chap.  
69.

## CHAPTER 71.

## RESOLVE ALLOWING THE GENERAL ACCOUNT OF THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xxvii., 100.

House Jour-  
nal, p. 77.  
*Supra*, chap.  
70.

THOMAS HUBBARD ESQ<sup>r</sup> Commissary General laid before the Court his Account current for allowance which having been previously examined by Committees of the two Houses respectively, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the foregoing Account be allowed, and that the Commissary General be further accountable for the balance being Thirteen pounds, twelve shillings and nine pence. [*Passed June 24.*]

## CHAPTER 72.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF ELISHA JONES AND OTHERS.

Legislative  
Records of the  
Council,  
xxvii., 104.

House Jour-  
nal, pp. 53, 80.  
Province  
Laws, xvii.,  
242, chap. 50.

A PETITION of Elisha Jones and John Murray Esq<sup>rs</sup> Setting forth That in June 1762 Nathan Jones of Weston purchased of the Government a Township N<sup>o</sup> one called East Hoosuck, in which they are concerned, but by reason of sundry discouragements, they find it impracticable to compleat in time the payment of the Sum stipulated. And praying relief.

[Read and]

*Resolved* That the Province Treasurer be, and he hereby is directed to suspend putting in suit the Bond given to the Province Treasurer in the year 1762 by Elisha Jones Esq<sup>r</sup> and his Associates for the purchase consideration of the Township called East Hoosuck in the County of Berkshire until the further Order of this Court. Provided the aforesaid Elisha Jones and his Associates forthwith pay or cause to be paid unto the Province Treasurer the whole of the Interest now due on s<sup>d</sup> Bond; and also pay or cause to be paid the interest thereof annually as it shall become due; otherwise to put the same in suit the first Court next after such failure, the next July Court in the County of Suffolk excepted; and that the further consideration of this Petition be referred to the next Winter Session. [*Passed June 25.*]

## CHAPTER 73.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF AARON WILLARD AND OTHERS.

Legislative  
Records of the  
Council,  
xxvii., 105.

House Jour-  
nal, p. 80.  
Province  
Laws, xvii.,  
242, chap. 50.  
*Ante*, p. 124,  
chap. 23.

A PETITION of Aaron Willard of Lancaster Esq<sup>r</sup> Setting forth That in the year 1762 he purchased of this Government a Township called Number three, a considerable part of the purchase money whereof he hath already paid: And praying that he may be indulged with further time to pay in the remainder.

[Read and]

*Resolved* That the Province Treasurer be, and he is hereby directed

to suspend putting in suit the Bond given to the Province in the year 1762 by Aaron Willard and his Associates for the purchase consideration of the Township N° 3 in the County of Hampshire until the further Order of this Court. Provided the aforesaid Aaron Willard and his Associates forthwith pay or cause to be paid to the Province Treasurer the whole of the interest now due on s<sup>d</sup> Bond and also pay or cause to be paid the Interest thereof annually as it shall become due, otherwise to put the same in Suit the first Court next after such failure, the next Court in the County of Suffolk excepted. [*Passed June 25.*]

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## CHAPTER 74.

### RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF JOHN CUMMINGS AND OTHERS.

A PETITION of Charles Prescott in behalf of himself and other Proprietors of the Township N° 5 which they bought of this Government in the year 1762 Praying that they may be allowed further time for completing the payment of the purchase money.

[Read and]

*Resolved* That the Province Treasurer be, and he hereby is directed to suspend putting in suit the Bond given to this Province in the year 1762 by John Com̄ing and his Associates for the purchase consideration of the Township N° 5 in the County of Hampshire until the further Order of this Court. Provided the aforesaid John Com̄ing & his Associates forthwith pay or cause to be paid to the Province Treasurer the whole of the Interest now due on said Bond; and also pay or cause to be paid the interest thereof annually as it shall become due, otherwise to put the same in suit the first Court next after such failure, the next July Court in the County of Suffolk excepted. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xxvii., 106.

House Jour-  
nal, p. 79.  
Province  
Laws, xvii.,  
242, chap. 50.

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## CHAPTER 75.

### RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF SAMUEL BROWN, JR., AND OTHERS.

A PETITION of Samuel Brown jun<sup>r</sup> of Stockbridge in behalf of himself and his Associates who in the year 1763 purchased of the Government a Township called Yokun Town & Mount Ephraim Praying a further time for the payment of the remainder of the purchase money still due.

[Read and]

*Resolved* that the Province Treasurer be, and he hereby is directed to suspend putting in suit the Bond given to the Province Treasurer in the year 1763 by Samuel Brown jun<sup>r</sup> & his Associates for the purchase consideration of the Township originally called Yokun Town and Mount Ephraim in the County of Berkshire until the further Order of this Court: Provided the said Samuel Brown and his Associates forthwith pay or cause to be paid to the Province Treasurer the whole of the interest now due on s<sup>d</sup> Bond, and also pay or cause to be paid the interest thereof annually as it shall

Legislative  
Records of the  
Council,  
xxvii., 106.

House Jour-  
nal, pp. 51, 80.  
Province  
Laws, xvii.,  
354, chap. 294.

become due; otherwise to put the same in suit the first Court next after such failure; the next July Court in the County of Suffolk excepted. [*Passed June 25.*]

## CHAPTER 76.

### RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND PUTTING IN SUIT THE BOND OF CORNELIUS JONES AND JOHN CHADWICK.

Legislative  
Records of the  
Council,  
xxvii., 107.

House Jour-  
nal, pp. 79, 80.  
Province  
Laws, xvii.,  
242, chap. 50.

A PETITION of John Chadwick of Tyringham Setting forth That in the year 1762 one Cornelius Jones purchased of this Government about 10,000 Acres of Land for about £400 for the payment whereof the Petitioner became bound with him, a part of which is paid; And praying a further time for the payment of the remainder.

[Read and]

*Resolved*, that the Province Treasurer be and he hereby is directed to suspend putting in suit the Bond given to this Province in the year 1762 by Cornelius Jones & John Chadwick for the purchase consideration of Ten thousand Acres in the County of Hampshire until the further order of this Court. Provided the aforesaid Cornelius Jones and John Chadwick forthwith pay or cause to be paid to the Province Treasurer the whole of the interest now due on s<sup>d</sup> Bond and also pay or cause to be paid the interest thereof annually as it shall become due, otherwise to put the same in suit the first Court next after such failure; the next July Court in the County of Suffolk excepted. [*Passed June 25.*]

## CHAPTER 77.

### RESOLVE ESTABLISHING THE GARRISON AT CASTLE WM AND THE WAGES THEREOF.

Legislative  
Records of the  
Council,  
xxvii., 109.

House Jour-  
nal, pp. 81, 82.  
*Ante*, p. 128,  
chap. 51; p. 140,  
chap. 53; p. 146,  
chap. 68.

In the House of Representatives.

*Resolved* That there be an Establishment for the pay of fifty Men Officers included for the defence of Castle William, their Wages to continue one year from the 20<sup>th</sup> day of June instant, at the following Rates viz<sup>t</sup>

For one Captain	£ Annum . . . . .	£56. 3. 10
For one Lieutenant	£ Annum . . . . .	28. 11. 5
For one Chaplain	Ditto . . . . .	33. 6. 8
For one Gunner	Ditto . . . . .	45. 6. 8
For one second Gunner	Ditto . . . . .	33. 6. 8
For one Armourer	£ Month . . . . .	2. 4. 6
For two Sergeants each	£ Month . . . . .	1. 12.
For six quarter Gunners each	£ d <sup>o</sup> . . . . .	1. 12.
For four Corporals each	£ d <sup>o</sup> . . . . .	1. 9. 4
For one Drummer	£ ditto . . . . .	1. 9. 4
For thirty one privates	£ d <sup>o</sup> each . . . . .	1. 4.

And for the pay of seventeen Men for Fort Pownall Officers included, for one year from the 20<sup>th</sup> of June Instant at the following Rates viz<sup>t</sup>

For one Lieutenant	£ Month . . . . .	£3.
For an Interpreter	£ ditto . . . . .	£3.
For one Gunner	£ ditto . . . . .	£2. 5.
For one Sergeant	£ ditto . . . . .	£1. 10.
For one Armourer	£ ditto . . . . .	£1. 10.
For twelve privates each	£ ditto . . . . .	£1. 4.

In Council, Read and Concurred,

And undersigned by the Governor as follows viz<sup>t</sup>

I have before consented to an Establishment for Castle William in manner as above: I do not consent to the above written Establishment for Fort Pownall as I do not think it sufficient for the security of the Fort, and will not make myself Answerable for the consequences if it should prove so.

FRA. BERNARD.

[*Passed June 25.*

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF DECEMBER, A.D. 1767.

## CHAPTER 78.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECUR<sup>s</sup> AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £213,055. 18. 5.

Legislative  
Records of the  
Council,  
xxvii., 118.  
Mass.  
Archives, civ.,  
493.

Mass.  
Archives, civ.,  
492. House  
Journal, pp. 72,  
73, 94. *Ante*,  
p. 257 chap. 64.

THE COMMITTEE appointed to repair to the Treasurers, and take an Account of the Government Securities & see them burnt, & consumed to Ashes; have attended that Service, & have received of M<sup>r</sup> Treasurer Gray, Government Securities, payable in June 1766, Eleven Thousand, two hundred forty seven Pounds, the Interest paid thereon being Nine hundred & seven Pounds, ten shillings, & ten pence, amounts to Twelve thousand one hundred fifty four Pounds, ten shillings & ten pence. Also Government Securities payable in June 1767, One hundred Eighty nine Thousand & thirty nine Pounds, the Interest thereon being Eight Thousand, seven hundred forty six Pounds, Eight shillings and eleven pence, amounts to One hundred Ninety seven Thousand seven hundred Eighty five pounds, eight shillings & eleven pence. Also Government Securities payable in June 1764, of the old form, Eleven hundred & eight Pounds, the Interest paid thereon being One hundred thirty seven Pounds, seven shillings & seven pence, amounts to Twelve hundred forty five Pounds, seven shillings & seven pence. Also Government Securities of the new form payable in June 1764, Nine hundred thirty eight Pounds, the Interest paid thereon being Ninety five Pounds, eighteen shillings amounts to Ten hundred Thirty three Pounds, eighteen shillings. Also Government Securities of the new form, payable in June 1763, One hundred Eighty seven Pounds, the Interest paid thereon being, Nine Pounds thirteen shillings & two pence, amounts to One hundred ninety six pounds, thirteen shillings & two pence. Also Government Securities of the new form payable in June 1765, Six hundred & four Pounds, the Interest paid thereon, thirty five Pounds nineteen shillings & eleven pence, amounts to Six hundred thirty nine Pounds, Nineteen shillings and eleven pence.

All which Securities amount to Two hundred & thirteen Thousand, and fifty five Pounds, eighteen shillings and five pence, which we have seen burnt & consumed to Ashes.

Signed, JN<sup>o</sup> ERVING p Order.

Read & Accepted &

*Ordered* that the Treasurer be discharged of the Sum of Two hundred & Thirteen Thousand & fifty five Pounds Eighteen Shillings and five Pence accordingly. [*Passed January 5.*]



## CHAPTER 79.

RESOLVE IMPOWERING BENJ<sup>A</sup> BLACKSTON, EXECUTOR, TO SELL REAL ESTATE.

A PETITION of Benj<sup>a</sup> Blackston of Falmouth in y<sup>e</sup> County of Cumberland, Executor of the last Will & Testament of Benj<sup>a</sup> Blackston late of said Falmouth deceased Setting forth, that the personal Estate of the s<sup>d</sup> dec<sup>d</sup> amounts to £118.0.5 less than his Debts, that he was necessarily prevented from applying to the Superior Court, at their last term in said County, for leave to sell a part of the Real Estate for the discharge of the said Debts. And praying that he may obtain liberty from this Court, to make sale of so much of the said Estate, as shall be sufficient for that purpose.

[Read and]

*Resolved* that the Prayer of the Petition be granted, and the Petitioner in his said Capacity be allowed & empowered, to make sale of so much of the deceased's Real Estate, as shall amount to the Sum of One hundred & Eighteen Pounds, & five pence, for y<sup>e</sup> purpose mentioned in the Petition, and such further Sum as shall be be<sup>1</sup> sufficient to pay the Charges of sale, and making up his further Account, with the Judge of Probate, where it shall be least prejudicial to the remainder of the Estate, and to execute a good deed or deeds of the same to the Purchaser: He observing the directions of the Law relative to Executors & Adm<sup>rs</sup> in selling Real Estates. [*Passed January 5.*]

Legislative  
Records of the  
Council,  
xxvii., 121.

House Jour-  
nal, pp. 94, 96.  
Province  
Laws, li., 151,  
chap. 10.

## CHAPTER 80.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £16.16 TO ROB<sup>T</sup> BALLS.

A PETITION of Robert Balls, keeper of the Light house Setting forth that on the 19<sup>th</sup> of November last he compleated the thirty fourth year of his service in that Station, for the last of which he hath as yet recieved no recompence. And praying an Allowance therefor, & also a reimbursment of the Sum of Sixteen Pounds sixteen shillings he has advanced for 31½ Cord of Fire wood, for the Benefit of the lights

[Read and]

*Resolved* that the Sum of Sixty pounds be Allowed and paid out of the publick Treasury to the Petitioner for his Service for one Year ending the 19<sup>th</sup> of Novem<sup>r</sup> last. Also the Sum of Sixteen pounds sixteen shillings for Thirty one & an half Cords of Wood which he Expended. [*Passed January 6.*]

Legislative  
Records of the  
Council,  
xxvii., 124.  
Mass.  
Archives,  
lxvi., 403.

Mass.  
Archives,  
lxvi., 402.  
House Jour-  
nal, pp. 95, 97.

<sup>1</sup> Sic.

## CHAPTER 81.

RESOLVE ALLOWING £5.2 TO ISR<sup>d</sup> CHAPIN.

Legislative  
Records of the  
Council,  
xxvii., 124.

House Jour-  
nal, pp. 94, 98,  
99.

A PETITION of Israel Chapin of Hatfield Setting forth that by virtue of a deputation from Oliver Partridge Esq<sup>r</sup> Sheriff of the County of Hampshire, he went in pursuit of one Solomon Harris for forceably entering the House of Elizabeth Warner of said Hatfield, & stealing sundry things of Value therefrom: that he performed this service in Consequence of a Warrant from Israel Williams Esq<sup>r</sup> taking with him sundry Assistants, who spent several days in the business, & finally took him in a remote corner of the County, & conveyed him to the Goal; that the said Solomon afterwards made his escape with divers other Prisoners; and as he was never brought to trial he and his Assistants must fail of their Recompence, unless aided by this Court, which will be particularly greivous to the Petitioner, as by means of said Service, he contracted an illness which disabled him from pursuing his business for three months afterwards: And praying Relief.

Read And whereas it appears by the record of the Court of Assize & General Goal Delivery, held in the County of Hampshire in September last, that David Bonner, & David Jones, were assisting in breaking the Goal in said County, by which means the Prisoner mentioned in the Petition made his escape, and the said Bonner & Jones were convicted, & fined five Pounds each.

*Resolved* that the Account exhibited, by the Petitioner, be allowed, and that the Sum of five Pounds two shillings, be paid to him out of said Fines, by the Sheriff of the County of Hampshire. [*Passed January 6.*]

## CHAPTER 82.

RESOLVE CONFIRMING TOWNSHIP N<sup>o</sup> 4 TO NOAH NASH.

Legislative  
Records of the  
Council,  
xxvii., 126.

House Jour-  
nal, pp. 51, 77,  
91, 98. *Ante*,  
p. 259, chap. 68.

A PETITION of Noah Nash of Hatfield, Setting forth that in the Year 1762. He purchased of y<sup>e</sup> Government a Township, called N<sup>o</sup> 4, and hath paid upwards of £400 towards the said purchase; that divers Improvements are already made upon it, he having already sold the greatest part of said Township and that a considerable number of Persons, have begun Settlements on the Lands. And praying that he may have a Grant of said Township, that so he may be thereby enabled, to give Warrantee Deeds to the Purchasers.

[Read and]

*Resolved* that the Township N<sup>o</sup> 4. which was sold by this Government, in the year 1762, to Noah Nash of Hatfield, lying in the County of Berkshire, bounded as follows Viz<sup>t</sup> beginning at the Northeast Corner of New Framingham, now called Lanesborough, thence South, 33 west, 1,985 Perch, on the line of said Township until it meet with the line of the Ashuelot Equivalent so called, thence in the line of said Equivalent, to the Northeast Corner thereof, thence East 20° South fifteen hundred & fifty Rods, thence North 20° East 1,595 rods thence West, 20 North 2,112 Rods, to

the first Station be granted and confirmed to the said Noah Nash, his Heirs & Assigns He performing the Settlement thereon originally enjoined by the General Court. [*Passed January 8.*]

## CHAPTER 83.

RESOLVE IMPOWERING JOS<sup>PH</sup> KIDDER, AND MARY HIS WIFE, ADM<sup>X</sup> AND GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Kidder of Dunstable, in y<sup>e</sup> Province of New Hampshire, and Mary Kidder, alias Mary Badger his Wife, Relict of Nath<sup>l</sup> Badger late of Haverhill dec<sup>d</sup> Adm<sup>x</sup> of the said deceased's Estate, and Guardian to their only daughter & Child, Mary Badger, a Minor Setting forth That the Demands upon the said deceased's Estate amount to, 74.9.4½ which cannot be discharged without making sale of a part of the Real Estate; that the said Estate consists of Houses and Lands lying in Haverhill, which cannot be severed without great damage. And praying that they may be empowered to make sale of the said dwelling house, and a small lot of Land, not more than half an Acre, with the other Buildings thereon.

[Read and]

*Resolved* that the Prayer of the Petition be granted; and that the Petitioner be empowered to make sale of the lands & Buildings mentioned in the Petition, for the payment of the deceaseds debts, & in their said Capacities execute a good deed, or deeds thereof to the Purchaser, the Surplusage of Money arising by said sale, if any, besides paying the said Debts, the Charges of sale, and making up a further Acco<sup>t</sup> with the Judge of Probate of Wills &c for the County of Essex, to be put to Interest on good Security: And that y<sup>e</sup> Petitioners give Caution to the said Judge, that the said Surplusage, shall be secured with the Interest to the said Minors; the Petitioners observing the directions of the law relative to Executors & Administra<sup>rs</sup> in selling Real Estates. [*Passed January 9.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xxvii., 127.

House Jour-  
nal, pp. 97, 99,  
100, 106. Prov-  
ince Laws, ii.,  
151, chap. 10.

## CHAPTER 84.

RESOLVE ALLOWING £2. 12 TO ABIG<sup>L</sup> FENNO, EXEC<sup>X</sup>.

A PETITION of Abigail Fenno of Milton Widow, Executrix of the last Will & Testament of Elizabeth Wadsworth of s<sup>d</sup> Milton Widow deceased Setting forth that her said Testatrix, in the Year 1747, took into her family one Betty Hunter, an Indian woman of the Punkapog tribe, and a Proprietor of of<sup>2</sup> land there, being then in a languishing consumptive state in order to nurse & take care of her, which she accordingly did to the time of her death, providing a Nurse, & every thing necessary for her. That her Testatrix had in her life time, applied to the Guardian of the said Indians for

Legislative  
Records of the  
Council,  
xxvii., 129.

House Jour-  
nal, pp. 93, 104.  
Province  
Laws, xvi., 241,  
chap. 76, note.  
*Ante*, p. 246,  
chap. 44.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 8.

<sup>2</sup> *Sic*.

payment of her Account, but could obtain nothing but fair words; And the Petitioner hath applied since, but without Effect. And praying that this Court would give Order to the present Guardian of the said Indians, to discharge the s<sup>d</sup> Account for the benefit of the Heirs of the said Testatrix.

[Read and]

*Resolved* that the Prayer of this Petition be so far granted, as that the Sum of Two Pounds 12/ be allowed; And that the Guardian of the Punkapog Indians be directed to pay the same to her in full discharge of her Account. Provided there be a sufficiency in his Hands belonging to the said Indians. [*Passed January 9.*]

## CHAPTER 85.

### RESOLVE CONFIRMING THE ROADS AND HIGHWAYS OF THE TOWN OF UXBRIDGE.

Legislative  
Records of the  
Council,  
xxvii., 131.

House Jour-  
nal, pp. 95, 103,  
105.

A PETITION of Thomas Rist & others, Selectmen of Uxbridge Praying that the Roads, which have been laid out in said Town, may be confirmed & established, although the Business was not so fully expressed, in the Warrants for calling the town Meetings, when said Roads were accepted, as in strictness of law, it ought to have been.

[Read and]

*Resolved* that the prayer of this Petition be so far granted, as that all the town ways, within the [Town]<sup>1</sup> of Uxbridge, that have been heretofore laid out, in said town by the selectmen thereof, and that have been accepted by the town, be to all Intents & purposes whatsoever as fully established and confirmed, Town ways, in said town, as they would have been, had there been no such defects, in said Warrants, as are mentioned in said Petition. [*Passed January 12.*]

## CHAPTER 86.

### RESOLVE IMPOWERING NATH<sup>n</sup> WARNER, ADM<sup>r</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxvii., 132.

House Jour-  
nal, pp. 96, 100.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Nathan Warner, Administrator of y<sup>e</sup> Estate of Aaron Warner, late of Harvard deceased Setting forth That he hath expended for the support of y<sup>e</sup> deceased's Widow, since the year 1756, who by reason of her age is incapable of supporting herself, and for the support of his Sister, being a Cripple, the Sum of £86.8.6¼, more than he hath recieved of the personal Estate of y<sup>e</sup> deceased, or of the Rents of his Real Estate, and Proceeds of such part thereof as is already sold. And praying that he may be empowered, to make sale of so much of the residue of the Real Estate, lying in Harvard, as may be sufficient to reimburse him the Sum so advanced as aforesaid

[Read and]

*Resolved* that the Prayer of the Petition be granted; and that the Petitioner be empowered to make sale of so much of the decaas<sup>ds</sup> Real Estate, where it will best suit, & be least prejudicial to the Remainder, as will amount to the Sum of Eighty-six pounds 8/6¼

<sup>1</sup> Inserted from the House Journal, p. 103.

for the purposes mentioned in y<sup>e</sup> Petition and also such futher sum, as shall be sufficient to defray the Charge of sale, & making up his further Account w<sup>th</sup> the Judge of Probate for the County of Worcester; He observing the directions of the law to Executors & Administ<sup>r</sup> in selling Real Estates, and that he be enabled in his said Capacity to execute a good deed or deeds of the lands sold to the Purchaser. [*Passed January 12.*]

## CHAPTER 87.

### RESOLVE IMPOWERING MOSES PARSONS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Moses Parsons, Guardian of Obadiah Parsons, a Minor, Son of Deacon William Parsons late of Glocester deceased Setting forth, that on the 12<sup>th</sup> of of <sup>1</sup> Nov<sup>r</sup> 1766, he obtained an Order of this Court for y<sup>e</sup> sale of y<sup>e</sup> Real Estate of the said Minor for his support & education, agreeable to the last Will & Testament of the Testator, in Consequence whereof, he hath sold, to the amount of £16.4.5. That there is one quarter part of a House, Cellar, Garden & Barn, belonging to the said Minor which will sell for One hundred Pounds intire, but that the same cannot be severed. And praying that he may be impowered to make sale of the Premises, that he may be thereby enabled to pursue the Intention of the Testator, in giving to his said Son, an Education

[Read and]

*Resolved*, that the Prayer of this Petition be granted; and that the Petitioner be impowered to make sale of the Quarter part of the Dwelling House, Cellar, Garden, & Barn mentioned in y<sup>e</sup> Peti<sup>a</sup> for the purposes aforesaid, and in his said Capacity execute a good deed or deeds thereof to the purchaser, & give Caution to the Judge of Probate of Wills &<sup>e</sup> in y<sup>e</sup> County of Essex, that he will improve the Money arising by said sale, for the completing the Education of the said Minor, and pay him the Remainder, if any there be with Interest, when he shall arrive to the age of twenty one years. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xxvii., 133.

House Jour-  
nal, pp. 94, 100.  
*Ante*, p. 159,  
chap. 94.

## CHAPTER 88.

### ORDER ACCEPTING REPORT OF COMMITTEE IN FAVOR OF GRANTING AN APPEAL FROM A CRIMINAL SENTENCE.

A PETITION of Ebenezer Mirick of Berkley in behalf and at the desire of his Children Samuel Mirick a minor of 20 years of age, and of Zilpha Reed the Wife of Charles Reed now absent at Sea Setting forth That the said Samuel & Zilpha were upon the Complaint of David Briggs by Warrant carried before Ebenezer Hathaway Esq<sup>r</sup> put upon Trial and by the said Justice without proof, or even colour of suspicion declared guilty of Stealing a Sheep, and thereupon sentenced to pay a Fine of fifteen shillings, and to pay the Complainant thirty nine shillings damage and One pound fourteen shillings cost. That they claimed an Appeal, but thro' ignorance and want of Council they did not tender Sureties according to Law,

Legislative  
Records of the  
Council,  
xxvii., 39, 134.

Legislative  
Records of the  
Council,  
xxvii., 131.  
House Jour-  
nal, pp. 37, 38,  
42, 108, 112.



which was therefore refused. And praying that they may be enabled to bring an Appeal of said Cause to the Court of General Sessions of the peace for the County of Bristol, their Omission aforementioned notwithstanding.

The Committee appointed y<sup>e</sup> 12<sup>th</sup> Instant, on y<sup>e</sup> Petition of Eben<sup>r</sup> Mirick, in behalf of Sam<sup>l</sup> Mirick and Zilpah Reed, reported that the Prayer of said Petition be so far granted, as that the said Samuel Mirick & Zilpah Reed, be allowed to claim an Appeal, from the Sentence given against them by Ebenezer Hathaway Esq<sup>r</sup> as ment<sup>d</sup> in said Petition, to the next Court of General Sessions of the peace, to be held at Taunton, in & for y<sup>e</sup> County of Bristol, on the third Tuesday of Feb<sup>r</sup> next, they recognizing before said Justice as the law directs to prosecute said Appeal, and that they give notice of such appeal, to the said David Briggs, at least 14 days, before the setting of said Court: And that the said Justice be impowered and directed to grant said Appeal, and take the Recognizance aforesaid, the time by law for making said Appeal, being elapsed notwithstanding. And the Justices of said Court be impowered to recieve <sup>sd</sup> Appeal, and to hear & determine the Merits of said Complaint, only, exhibited against said Samuel and Zilpah, and give Judgment thereon, and put the same in Execution, in as full a manner, as they might have done, had the said Appeal been made at the time of passing y<sup>e</sup> <sup>sd</sup> Sentence.

Read &

*Ordered* that the foregoing report pass into an Order of this Court; and the same is made an Order of this Court accordingly. [*Passed January 14.*]

## CHAPTER 89.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF SAM<sup>l</sup> WELLES AND OTHERS OF THE DISTRICT OF NATICK IN REGARD TO COLLECTING ASSESSMENTS.

Legislative  
Records of the  
Council,  
xxvii., 135.  
Mass.  
Archives, xlv.,  
501.

Mass.  
Archives, xlv.,  
498. House  
Journal,  
pp. 110, 111.

A PETITION of Samuel Welles Esq<sup>r</sup> and others, Inhabitants of Natick Setting forth That on the 31 of March 1763, the Society there made Choice of Oliver Bacon & others, as a Committee to finish the Meeting house, which has been compleated near two years, and their Accounts presented, but as they exceeded the Estimate, they were refused payment, whereupon the said Committee Commenced an Action against the District of Natick, & a District Meeting was notified on the Occasion, when M<sup>r</sup> John Cooledge was chosen Moderator; but as two such Meetings had been called before for the same purpose and had not been opened, some of the Inhabitants did not attend this latter Meeting, besides which the Moderator refused the Votes of four of the principal qualified Voters, and by this means, a Vote was obtained for a Committee to defend against said Action, and a Grant was made of £40 to defrey the Expence, altho' the whole Demands of the first named Committee, amounted to no more than £60.11.11 the Action was tried, and the said Oliver Bacon and others, recovered Judgment for the Money sued for, from which the Committee for defence appealed, and at the Superior Court, the Committee for repairs recovered Judgment also, for the Amount of their Expences & Costs. Therefore praying that the Doings of the last town Meeting respecting the Meeting house, and the Grant then made of £40 as afores<sup>d</sup> may be declared null & void



Read and

*Ordered* that the Petitioners Notify the Inhabitants of the District of Natick of this Petition and order by leaving an attested Copy thereof with the Clerk of S<sup>d</sup> District that they shew Cause (if any they have) on the first day of February next (if this Court be then sitting) why the Prayer of this Petition should not be Granted and that the Levying and Collecting the assessment therein mentioned be suspended until the further order of this Court thereon. [*Passed January 14.*]

## CHAPTER 90.

### RESOLVE REMOVING TAXES LAID ON THE TOWN OF ASHBURNHAM.

A PETITION of Tristram Cheney, in behalf of the Inhabitants of the town of Ashburnham Setting forth that a Province tax hath been laid upon them for a number of years past, no part whereof has been paid, that the Land is Stubborn, and the Petitioners have been there but a short time, & are unable to raise Provisions sufficient for the support of their families, & many of their Settlers have left y<sup>e</sup> town to avoid the said tax. That by reason of the death of their Pastor, & the damage done to their Meeting house by a Hurricane, they are exposed to a very great Expence. And praying Relief

Legislative  
Records of the  
Council,  
xxvii., 137.  
Mass.  
Archives,  
cxviii., 311.

House Jour-  
nal, pp. 97, 111.  
Province  
Laws, iv., 713,  
chap. 3; 825,  
chap. 18; 967,  
chap. 8.

Read &

*Resolved* that the prayer be granted & that the several Sum & Sums orderd to be assessd on the new Plantation lately called Dorchester Canada now Ashburnham be removd & carried back to the several Towns in the County of Worcester from whence it came viz Worcester Lancaster Mendon Brookfield Oxford Sutton Rutland Leicester Westbrō Shrewsbury Lunenburg Uxbridge Harvard Dudley Bolton Sturbridge Leominster Hardwick Western Douglas & Petersham in due proportion as it was taken off & accordingly added to those several Towns in their next years Tax. [*Passed January 14.*]

## CHAPTER 91.

### RESOLVE IMPOWERING PATIENCE HOWLAND, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Patience Howland of Plymouth, Widow & Admin<sup>x</sup> of the Estate of John Howland, late of said Plymouth deceased, & mother, & natural Guardian of Patience Howland, a Minor, & only surviving Child of the said John Howland Setting forth That a greater part of the Estate of the said John consisted of about a third part of a dwelling house, & small Garden Spot adjoining, lying in <sup>sd</sup> Plymouth which being greatly out of repair at the decease of the s<sup>d</sup> John hath yeilded little more Rent than the Repairs amounted to, whereby she is put to great difficulty, to support herself & educate her Daughter. And praying that she may be impowered to make sale of the Premisses, for y<sup>e</sup> Purposes before mentioned.

Legislative  
Records of the  
Council,  
xxvii., 138.

House Jour-  
nal, pp. 97, 100,  
101, 113.

[Read and]

*Resolved* that the Prayer of this Petition be granted, & the Petitioner be impowered, to sell the part of the Dwelling house, & Garden Spot mentioned in the Petition to the best advantage, and in her said Capacity, to execute a good Deed or Deeds thereof, to the Purchaser. And two thirds of the Money arising by said sale, after she has made up her Account of Administra<sup>n</sup> with the Judge of Probate of Wills &c for y<sup>e</sup> County of Plym<sup>o</sup>, to put the same on Interest, & give Caution to the s<sup>d</sup> Judge that both Principal & Interest may be secured to the said Minor. [*Passed January 15.*]

## CHAPTER 92.

### RESOLVE IMPOWERING DESIRE SEPT, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 138.  
Mass.  
Archives,  
xxxiii., 451.

Mass.  
Archives,  
xxxiii., 450.  
House Jour-  
nal, pp. 98, 99.  
Province  
Laws, xvi., 241,  
chap. 76, note.

A PETITION of Desire Sept of Bridgewater Indian woman Setting forth That she is Owner of five Acres of Land, at Monument Ponds in Plymouth, 8 Rods wide, & 100 Rods in length, without any fence or wood thereon; that she can find no Tenant for it, but can sell it [to John Bartlett] for 13.6.8, the Interest of which would be of help towards her support. And praying that she may have leave to sell the same.

[Read and]

*Resolv'd* that the Prayer of this Petition be granted, and that the Petitioner be impower'd to make Sale of the Land mention'd in the Petition, to the Said John Bartlet for the Sum of Thirteen Pounds Six shillings & Eight pence and Execute a good Deed thereof to him, And that Josiah Edson Esq<sup>r</sup> of Bridgewater assist in the Sale, and take good Security for the Said Sum on Interest payable to the Guardians of the Indians for the County of Plym<sup>o</sup> for the Petitioners use And that the Said Interest from Year to Year be Apply'd by them for her Benefit. [*Passed January 15.*]

## CHAPTER 93.

### RESOLVE GRANTING TO MARY MARSHALL LICENCE TO SELL STRONG DRINK.

Legislative  
Records of the  
Council,  
xxvii., 141.

House Jour-  
nal, p. 116.

A PETITION of Mary Marshall of Boston Spinster Setting forth that she hath been approbated by the select men of the said town, & recommended by them to the Court of Sessions for a License to sell spirituous Liquors; but as the time for granting such licenses is expired, praying that the s<sup>d</sup> Court may be impowered to grant her such license at their Session in January Instant

Read and

*Resolved* that the Prayer of the Petition be granted, & that the Justices of the Court of General Sessions of the Peace, for the County of Suffolk, be & hereby are impowered, in their present Session to grant the Petitioner a license accordingly, the time for granting licenses being elapsed notwithstanding. [*Passed January 16.*]

## CHAPTER 94.

RESOLVE CONFIRMING TOWNSHIP N<sup>o</sup> 5 TO JOHN CUMMINGS.

A PETITION of John Cumings of Concord Praying that this Court would make him a Grant of the Township, N<sup>o</sup> 5. which he purchased of this Government, in the Year 1762, he finding it a great discouragement to Settlers from going upon s<sup>d</sup> Lands unless he could give them Warrantee Deeds.

[Read and]

*Resolved* that the township N<sup>o</sup> 5. which was sold, in the year 1762, to John Cumings of Concord, in the County of Middlesex bounded Westerly on the township, N<sup>o</sup> 4, & N<sup>o</sup> 2, and Southerly, partly on Lotts N<sup>o</sup> 2, & N<sup>o</sup> 3, then Easterly partly on Chandlers Grant, & Province Land, & Northerly partly on the townships, N<sup>o</sup> 6, & 7. be granted & confirmed to the abovesaid John Cumings, his Heirs & Assigns, he performing the Settlement thereon, as originally enjoined by the General Court. [*Passed January 16.*]

Legislative  
Records of the  
Council,  
xxvii., 141.

House Jour-  
nal, pp. 104 *bis*,  
105, 116. Prov-  
ince Laws,  
xvii., 242,  
chap. 50. *Ante*,  
p. 261, chap. 74.

## CHAPTER 95.

RESOLVE ALLOWING REV<sup>d</sup> ELI FORBES £33. 12. 3.

*Resolved* that there be allowed & paid, out of the Income of Sir Peter Warren's Donation the Sum of Thirty three Pounds, twelve shillings & three pence to the Rev<sup>d</sup> Eli Forbes, in full for his procuring, instructing cloathing & boarding, three Mohawk Children from Aug<sup>t</sup> 15<sup>th</sup> 1767, to Jan<sup>y</sup> 15. 1768. and that the same be paid out of the Public Treasury accordingly. [*Passed January 18.*]

Legislative  
Records of the  
Council,  
xxvii., 140.

House Jour-  
nal, pp. 49, 50,  
113, 115, 117, 118.  
*Ante*, p. 243,  
chap. 36.

## CHAPTER 96.

## ORDER IMPOWERING GEO. CARRELL, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of George Carrell of Hopkinton, Guardian of Moses Adams, a Minor Setting forth, that the said Minor in Consequence of the desire of his Parents deceased, & agreeable to his own Inclinations, is entered a Student at Harvard College. That his Father Moses Adams late of Framingham dec<sup>d</sup> left him an Estate lying in said Framingham, consisting of about Seventy Acres of Land, valued at a Sum between £300, & £400 the Income of which is insufficient for his Support, & Education, and that the said Estate needs great repairs. And praying that he may be empowered to make sale of the said Estate for the use & Benefit of the said Minor.

[Read and]

*Ordered* that this Petition be revived. And that the Petitioner George Carryl Guar<sup>d</sup> of Moses Adams a minor be and he is hereby

Legislative  
Records of the  
Council,  
xxvii., 143.  
Mass.  
Archives, xix.,  
773.

Mass.  
Archives, xix.,  
772. Legisla-  
tive Records of  
the Council,  
xxvi., 397.  
House Jour-  
nal, pp. 39, 58,  
75, 105, 106.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 16.

impowred to make Sale of the said Minors Real Estate lying in Framingham containing about Seventy acres of Land & make & execute a good Deed or deeds thereof in the Law to the purchaser or purchasers; he attending the directions of the Law for the Sale of Real Estates by Executors & administrators; He first giving Bond to the Judge of Probate for the County of Middlesex that the proceeds of the said Sale be put on interest & used from time to time for the Education of the said minor so much as may be necessary and that the remainder be paid to the said minor when he shall come of age. or in Case of said Moses' Decease to his Heirs. [*Passed January 19.*]

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## CHAPTER 97.

### RESOLVE IMPOWERING JON<sup>A</sup> HEARSEY, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 146.

House Jour-  
nal, pp. 102, 119.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jonathan Hearsey Admin<sup>r</sup> of the Estate of Jonathan Hearsey late of Hingham deceased Setting forth That the deceaseds whole Real Estate was Apprized at Seventy six pounds including the Widows thirds. That the Personal Estate falls £52.3.8½ short of the amount of the debts. And praying that he may be impowred to sell the said Real Estate exclusive of the Widows thirds under proper restrictions.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be impowred in his said capacity to make Sale of the whole of the deceaseds Real Estate within mentioned exclusive of the Widows thirds for the most the same will fetch and execute a good deed thereof to the purchaser Observing the Rules of the Law for the Sale of Real Estate by Executors and Admin<sup>rs</sup>, and the Money arising by said Sale be applied to the payment of the deceaseds just debts and the overplus, if any there be, applied to the benefit of the Heirs of the deceased. [*Passed January 20.*]

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## CHAPTER 98.

### RESOLVE IMPOWERING HAN<sup>H</sup> METCALF, ADM<sup>S</sup> AND GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 147.

House Jour-  
nal, p. 114.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Hannah Metcalf of Wrentham and David Haven of Framingham the said Hannah being Admin<sup>s</sup> of the Estate of her late Husband Joseph Metcalf of Wrentham & Guardian to Mehitabel, Susannah & Joseph, and the said David as Guardian to Luther and Calvin all Minors and Children of the deceased Setting forth That the said Joseph died siezed and possessed of a dwelling House and Barn and about forty seven Acres of Land lying in four separate parcels. That the Fences are much out of Repair, and the House so decayed as to require a new Roof: That the said Estate was apprized at £134 And that it is uncertain whether the Personal Estate is sufficient to pay the debts, so that it is not likely that there will be anything left to make the said Repairs withal; that the Chil-

dren are young and two of them very weakly and the Rents insufficient for their support. And Praying that they may be impowered to make Sale of the said Real Estate for the benefit of those interested therein.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be impowered to make Sale of the whole of the Real Estate within mentioned for the most the same will fetch, and execute a good Deed thereof to the purchaser, observing the Rules of the Law for the Sale of Real Estate by Executors & Admin<sup>rs</sup>, giving caution to the Judge of Probate for the County of Suffolk that the money arising by said Sale be applied to the payment of the deceaseds just debts and the overplus if any there be secured for the benefit of the Heirs of the deceased. [*Passed January 20.*]

## CHAPTER 99.

RESOLVE IMPOWERING AMOS STOCKWELL, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Amos Stockwell Admin<sup>r</sup> of the Estate of John Stockwell late of Sutton deceased Setting forth, That the deceaseds Personal Estate falls upwards of Seventy pounds short of the amount of the debts: that the Real Estate was Apprized at £267.15/ one third whereof is set off to the Widow as her dower. And Praying that he may be impowered to make Sale of so much of the Real Estate as may be sufficient to discharge the said debts and charges.

Legislative  
Records of the  
Council,  
xxvii., 148.

House Jour-  
nal, pp. 94, 121.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of this Petition be granted and that the Petitioner in his said capacity be and he is hereby impowered to make Sale of so much of said deceaseds Real Estate as will amount to the Sum of Eighty five pounds and cost of Sale where it will be least prejudicial to the remainder of said Estate, and to make and execute a good deed or deeds in Law to the purchaser or purchasers thereof, He attending to the Rules of the Law respecting the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale be applied to the discharge of the said deceaseds just debts. [*Passed January 20.*]

## CHAPTER 100.

RESOLVE IMPOWERING MARY LIBBY, ADM<sup>x</sup>, TO SELL REAL ESTATE.

A PETITION of Mary Libby Admin<sup>x</sup> of the Estate of John Libby late of Scarborough deceased Insolvent Setting forth That the amount of the deceaseds debts is £256.10/ more than the whole of his Personal Estate. And praying that she may be impowered to sell so much of the deceaseds Real Estate as may be sufficient to pay his just debts with the charges of Sale.

Legislative  
Records of the  
Council,  
xxvii., 149.

House Jour-  
nal, pp. 102, 119.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* That Mary Libby Admin<sup>x</sup> on the Estate of John Libby



late of Scarborough deceased, be and hereby is impowered to make Sale of so much of said deceaseds Real Estate as will amount to the Sum of Two hundred pounds ten shillings and cost of Sale where it will be least prejudicial to the remainder of said deceased Estate, and make and execute a good deed or deeds of the same to the purchaser or purchasers thereof, she attending to the directions of the Law respecting the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Cumberland that the proceeds of said Sale be applied for the purposes mentioned in this Petition. [*Passed January 20.*]

## CHAPTER 101.

### RESOLVE IMPOWERING SETH HARLOW, ADM<sup>s</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxvii., 149.

House Jour-  
nal, pp. 104, 119.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of Seth Harlow Admin<sup>r</sup> of the Estate of Nath<sup>l</sup> Warren late of Plymouth dec<sup>d</sup> Setting forth, That the said deceaseds Personal Estate being small was by desire of the Children set off to the Widow, And that there are sundry debts due from the Estate to the amount of Two hundred pounds. And praying that he may be impowered to make sale of so much of the deceaseds Real Estate as may be sufficient to discharge the said debts.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be impowered to make sale of so much of the deceaseds Real Estate where it will be least prejudicial to the remainder as will be sufficient for the purposes abovementioned, and execute a good deed thereof to the purchaser, Observing the Rules of the Law for the Sale of Real Estate by Executors & Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Plymouth that the money arising by said Sale be applied accordingly. [*Passed January 20.*]

## CHAPTER 102.

### RESOLVE GRANTING A TRACT OF LAND KNOWN AS WATCHUSET HILL TO REV<sup>d</sup> TIM<sup>o</sup> FULLER.

Legislative  
Records of the  
Council,  
xviii., 150.  
Mass.  
Archives, xiv.,  
497.

Mass.  
Archives, xiv.,  
495. House  
Journal,  
pp. 114, 121, 122,  
123. Province  
Laws, xvi., 636,  
chap. 153.

A PETITION of Timothy Fuller of Princetown Clerk Setting forth, That he hath lately settled in the Gospel Ministry in said Princetown upon the slender allowance of £53.6.8 p Annum which he apprehends is as much as the people can afford to pay him in their present infant State. That they have built a Meeting house and made Roads in the Town, but have no public Ministerial Lands. And praying that this Court would make him (being the first settled Minister there) a Grant of the Watchusett Hill lying in said Town containing about 500 Acres of poor barren Land except that at the foot of said Hill on the South side there are about 100 Acres which tho' Rocky and uneven may possibly do for pasture Land.

[Read and]

*Resolved* That the Prayer of s<sup>d</sup> Petition be granted and that the Tract of Land belonging to this Province lying in Princeton in the County of Worcester called Watchusett Hill containing about Five



Hundred acres bounded East Four Degrees North one Hundred and forty Rods on Watertown Farm then North 46 Degrees East 160 Rods on said Watertown farm then north 97 Rods on Muzzys Farm now Keyess. then North. 23 Degrees west 70 Rods on Benj<sup>a</sup> Houghtons Land then Westerly 135 Rods on said Houghtons Land then 60 Rods on s<sup>d</sup> Houghtons Land to a White oak Tree then South: 55 Degrees West 263 Rods on Westminster Line to a Red oak Tree the Corner of M<sup>r</sup> Allens Farm, then East 21 Degrees South. 100 Rods on s<sup>d</sup> Allens Farm then running on S<sup>d</sup> Allens Farm about 190 Rods to y<sup>e</sup> Bounds first mentioned be granted to the s<sup>d</sup> Tim<sup>o</sup> Fuller his Heirs & assigns forever as an Encouragement to him to continue in the faithful Discharge of his office in s<sup>d</sup> Princeton

Provided that he or his Heirs pay their Proportion of a Tax of Two Pence p<sup>r</sup> acre for three years laid by the general Court at their Sessions in January AD 1760. upon all the unimproved Lands in s<sup>d</sup> District of Princeton. [*Passed January 20.*]

## CHAPTER 103.

### RESOLVE ADJOURNING COURTS IN HAMPSHIRE COUNTY.

*Resolved* That whereas the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Hampshire according to the time appointed by Law should be holden at Northampton in said County on the second Tuesday of February next; and whereas sundry of the Justices and Officers of said Courts and others concerned in the business thereof are members of this Court which is likely to continue sitting beyond the time aforesaid by Law appointed for holding said Courts.

Therefore

*Resolved* That the said Courts be and are hereby Adjourned unto the third Tuesday in March next then to be holden at said Northampton; and that all Pleas, Processes, Writs, Actions Suits, issued or to be issued, Complaints, Precepts Recognizances and all other matters and things returnable and having, and that should have had day in said Courts, if the same had been held on the said second Tuesday of February shall be returnable and have day in said Courts on the said third Tuesday of March, and shall abide and continue unto that time, and shall then be proceeded, heard, tried and determined to all intents and purposes as effectually as if said Courts should have been held on the said second Tuesday of February: and all Executions returnable on the said second Tuesday of February may be returned into the Clerks Office of said Courts, and alias Executions issued afterwards in like manner as if this adjournment had not been made. [*Passed January 20.*]

Legislative  
Records of the  
Council,  
xxvii., 151.

House Jour-  
nal, pp. 121, 123,  
124. Province  
Laws, iv., 737,  
chap. 20; v., 67,  
note.

## CHAPTER 104.

RESOLVE IMPOWERING HEZEKIAH WINSLOW, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 284.

House Jour-  
nal, pp. 109, 120.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Hezekiah Winslow Admin<sup>r</sup> of the Estate of Noah Stoddard late of Dartmouth dec<sup>d</sup> Intestate Setting forth That the said deceaseds debts amount to £73.5.11 more than his Personal Estate And Praying that he may be impowered to make Sale of the deceaseds Real Estate consisting of a small House and about twenty eight Acres of Land to enable him to pay the said debts and charges.

[Read and]

*Resolved* That the prayer of the within Petition be granted and that the Petitioner in his said capacity be impowered to make Sale of the whole of the deceaseds Real Estate in the Town of Dartmouth as mentioned in said Petition for the most the same will fetch, and make and execute a good Deed of the same to the purchaser, Observing the Rules of the Law for the Sale of Real Estate by Executors and Administrators and that he give caution to the Judge of Probate for the County of Bristol that the Money arising by said Sale shall be applied to the payment of the deceaseds just debts, and the Overplus, if any there be, put to interest for the benefit of the Children of the deceased. [*Passed January 21.*]

## CHAPTER 105.

RESOLVE IMPOWERING BETHESDA & JUSTUS SACKET, EXECUTORS, TO EXECUTE A DEED AND MAKING PROVISION FOR THE MONEY RECEIVED.

Legislative  
Records of the  
Council,  
xxvii., 155.

House Jour-  
nal, pp. 118, 127.  
*Ante*, p. 133,  
chap. 42.

A PETITION of Bethesda Sacket of Westfield Widow and Justus Sacket Son of Eliakim Sacket late of Westfield deceased and Executors of his last Will and Testament Setting forth That the said Eliakim in his life time bargained and sold to one Isaac Bartlet of Granville, a Farm of Land there containing about 110 Acres and gave his Obligation to the said Isaac to give him a deed thereof upon the payment of £120 the Sum agreed for. That said Isaac made the said Purchase for and in behalf of one Timothy Leete, who in the life time of the said Eliakim took possession of the said Farm and paid part of the purchase Money and since his death the Petitioners have taken up the Obligation which he gave as aforesaid to the said Bartlet and gave him their Bond to execute a deed of the said Land on completing the payment of the Sum of £120 aforesaid. That the said Leete has since paid the whole Sum and now demands a deed of the Land. And praying that they may be impowered to execute a deed agreeable to the original bargain of the said Eliakim Sacket, they to be accountable for that part of the purchase Money received by them since his death.

[Read and]

*Resolved* That the prayer of the Petition be granted, and that the said Bethesda and Justus be, and hereby are impowered to make and execute a Deed of bargain and Sale to the said Timothy Leete the Land mentioned in the Petition, of which they stand bound to give

him a deed, and that they be obliged to pay all the Money which they have or may receive of the said Leete for the said Land, to such person or persons as by the tenor of the said deceaseds Will they would have been holden to have paid the same in case such Monies had been left by the said deceased in their hands at the time of his death. [*Passed January 22.*]

## CHAPTER 106.

RESOLVE ACCEPTING REPORT OF COMMISSARIES ON THE NEW YORK BOUNDARY LINE AND DESIRING THE GOVERNOR TO TRANSMIT THE SAME TO THE GOVERNOR OF NEW YORK.

THE COMMITTEE on the Report of the Commissaries for settling the New York Line made Report whereupon the following Resolves passed the Court as reported by said Committee viz<sup>1</sup>

1 *Resolved* That the Massachusetts Government have always claimed as their just Right Jurisdiction over the whole Territory within their North and South limits from the Atlantic Ocean to the South Sea, saving only such part thereof as on the 3<sup>d</sup> day of November in the Eighteenth year of King James the first was actually possessed or inhabited by any other Christian Prince or State.

2 Being willing to make the most ample concession even beyond the bounds of equity in the settlement of the controversy relative to said Boundary; and in compliance with the recommendation of his Majesty signified by the R<sup>t</sup> hon<sup>ble</sup> the Earl of Shelburne by a generous way of acting to remove the cause of any future dissensions between the two Provinces, and that this Government may incur no blame if any ill consequence should arise from the continuance of the controversy.

*Resolved* That this Court will concede to & confirm the last proposal made by their Commissaries to the Commissaries on the part of New York at their late conference, in the words of the Report of the Lords of Trade and Plantations in May 1757

“That a strait line to be drawn northerly from a point on the Southern Line of the Massachusetts Bay twenty Miles distant due East from Hudsons River to another point twenty miles distant due East from the said River on the Line which divides the Province of Massachusetts Bay from New Hampshire be the Eastern Boundary of New York. Provided That this concession if not agreed to by New York be not improved to the disadvantage of the Massachusetts Claim: Provided also that nothing shall be understood to prejudice the Right of this Province to Lands Westward of the Province of New York. And this Court for the reasons abovementioned doth further concede that the aforementioned Lines of distance from Hudson's River shall be measured as Horizontal Lines instead of Lines measured according to the surface of the Earth.

3<sup>d</sup> And Whereas at said Conference some doubts arose on the part of New York with respect to the powers granted by this Government to their Commissaries aforesaid.

*Resolved* That the several Explanations by them given of their said Powers and of the practice of this Court with regard to such powers were just; and that the Instructions given them contained a full and ample power for the settlement of the Boundary Line

Legislative  
Records of the  
Council,  
xxvii., 157.  
Mass.  
Archives, vi.,  
432.

Mass.  
Archives, vi.,  
430. Legisla-  
tive Records of  
the Council,  
xxvii., 116, 117,  
152. House  
Journal,  
pp. 131, 132.  
*Ante*, p. 216,  
chap. 222;  
p. 254, chap. 60.

<sup>1</sup> *Sic*, as to quotation marks.

aforesaid, notwithstanding the Vote of the House of Representatives past here the 17<sup>th</sup> day of March last and mentioned in the Resolves of the Assembly of New York; the said Vote not having been completed as a Vote of the whole Court; But for the satisfaction of the Government of New York, if any futher power should be necessary for the purpose aforesaid, it shall be given by an Act in solemn form. And in case of Agreement it is proposed to the Government of New York that an Act in solemn form should be past by each Government declaring in the fullest and clearest manner the Partition Line between the two Provinces.

4 If contrary to the hopes of this Government all it's endeavours to settle the said Partition Line by mutual Agreement should prove ineffectual:

*Resolved* That a full state of the controversy be drawn up and transmitted home in order to be laid before his majesty in Council for a speedy and final settlement of it.

Read & accepted, And his Excellency is hereby desired to transmit a Copy of the aforesaid Resolves to S<sup>r</sup> Henry Moore Governor of New York, to be laid before the Assembly of N. York for their Consideration. [*Passed January 26.*]

## CHAPTER 107.

### RESOLVE ACCEPTING THE ACCOUNT OF THE GUARDIANS OF THE HASSANAMISCO INDIANS.

Legislative  
Records of the  
Council,  
xxvii., 160.  
Mass.  
Archives,  
xxxiii., 458.

AN ACCOUNT of the Trustees of the Hassanamisco Indians having been laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Mass.  
Archives,  
xxxiii., 457.  
House Jour-  
nal, p. 129.  
Province  
Laws, xvii.,  
269, chap. 104.

*Resolved* that the within Account be accepted & that the aforesaid Guardians be further accountable for the Sum of Nine shillings & Eight pence  $\frac{1}{2}$ <sup>d</sup> for Interest and seventeen hundred & forty four ounces &  $\frac{64}{344}$  Parts<sup>1</sup> of an ounce of Silver in their Hands belonging to the Hassanamisco Tribe and also for the sum of Sixty Six pounds thirteen shillings & four pence belonging to Betty Abraham alias Sampson. [*Passed January 26.*]

## CHAPTER 108.

### RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIAN OF JAMES THOMAS, INDIAN.

Legislative  
Records of the  
Council,  
xxvii., 160.  
Mass.  
Archives,  
xxxiii., 455.

JOSIAH EDSON Esq<sup>r</sup> Guardian of the Indians presented his Account with James Thomas Indian Man of Middleborough wherein the said Guardian hath charged him with sundry disbursements amounting to £2.18.½ and given him Credit for the same Sum received for Interest.

[Read and]

*Resolved* that the within Account: be accepted & that that<sup>2</sup> the said Guardians be dischargd accordingly. [*Passed January 26.*]

<sup>1</sup> Manuscript mutilated.

<sup>2</sup> Sic.

## CHAPTER 109.

RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIAN OF HAN<sup>a</sup>  
ROBINS, INDIAN.

JOSIAH EDSON ESQ<sup>b</sup> presented his Account as Guardian to Hannah Robins Indian Woman of Bridgewater.

Read &

*Resolved* that the within Account be accepted & that the said Guardians be further accountable for the Ballance of Seventy Eight Pounds Seventeen shillings & Eleven pence. [*Passed January 26.*]

Legislative  
Records of the  
Council,  
xxvii., 161.  
Mass.  
Archives,  
xxiii., 449.

Mass.  
Archives,  
xxviii., 449.  
House Jour-  
nal, pp. 14, 129.  
Province  
Laws, xvi., 241,  
chap. 76, note.

## CHAPTER 110.

RESOLVE GRANTING TO ELIZ<sup>a</sup> TREFRY LICENCE TO SELL STRONG  
DRINK.

A PETITION of Elizabeth Trefry of Boston Widow Setting forth That she hath been Approbated and recommended by the Selectmen of the said Town to be a Retailer of Spirituous Liquors. And praying that the Court of Sessions may be impowered to grant her a License for that purpose the time for granting Licenses being elapsed notwithstanding.

[Read and]

*Resolved* That the prayer of the above Petition be granted and that the Justices of the Court of General Sessions of the peace for the County of Suffolk in their present Session be impowered, if they see cause to grant the said Elizabeth Trefry a License to Retail Spirituous Liquors at her House in Fish Street, the time for granting Licenses being elapsed notwithstanding. [*Passed January 26.*]

Legislative  
Records of the  
Council,  
xxvii., 161.  
House Jour-  
nal, p. 133.

## CHAPTER 111.

RESOLVE CONFIRMING THE ROADS IN THE DISTRICT OF CHARLTON.

ON THE PETITION of Edward Davis Agent for the District of Charlton in the County of Worcester

*Resolved* that the prayer of the Petition be so far Granted that all the roads legally laid out by the Select Men of said Charlton and approved of by the Inhabitance of Said Destrict att their Annual Meetings in march Yearly as Sett forth in Said Petition be hereby confirmed and made valid to all intents and purposes there not Setting forth the particular Descriptions in there notifications for calling said Meeting according to Strictness of Law as mentioned in said Petition Notwithstanding Provided that no person who may haue suffered damage by the laying out of said Roads shall be hereby barred from seeking a recompence, in case he shall make Application to the Court of Sessions therefor within twelve months from this time. [*Passed January 26.*]

Legislative  
Records of the  
Council,  
xxvii., 161.  
Mass.  
Archives,  
cxxi., 459.

House Jour-  
nal, pp. 113, 117,  
119, 133.



## CHAPTER 112.

RESOLVE IMPOWERING EZRA TAYLOR, ESQ<sup>R</sup>, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 165.

House Jour-  
nal, pp. 138, 139.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ezra Taylor Esq<sup>r</sup> Admin<sup>r</sup> of the Estate of Ebenezer Johnson late of Southborough deceased Setting forth That the said deceased died seized of a Farm containing about two hundred Acres of Land with certain Buildings thereon Apprized at £733.6.8 that it is necessary the greater part thereof should be sold for the payment of debts; but that the parting of it would spoil the whole. That the deceased left four Children three of whom are of full age, and are all desirous that the whole Estate should be sold together. And praying that he may be empowered to make sale of the same, he to be accountable.

[Read and]

*Resolved* that the prayer of the Petition be granted and that the Petitioner be and hereby is empowered to make Sale of the Real Estate mentioned in the Petition for the most it will fetch, and to make and execute a good deed or deeds in law for conveying the same, he observing the directions of the Law for the Sale of Real Estates by Executors & Admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Worcester that the Money arising by the Sale thereof be applied for the purposes mentioned in s<sup>d</sup> Petition. [*Passed January 29.*]

## CHAPTER 113.

RESOLVE ADJOURNING COURTS IN BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 166.

House Jour-  
nal, pp. 126, 127,  
139, 140. Prov-  
ince Laws, iv.,  
737, chap. 20;  
v., 67, note.

*Resolved* That whereas the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Bristol according to the time appointed by Law should be holden at Taunton in said County on the third Tuesday of February next: And whereas several of the Justices of said Court and others concerned in the business thereof are Members of this Court which is likely to continue sitting beyond the time aforesaid by Law appointed for holding said Courts. Therefore

*Resolved* That the said Court of General Sessions of the peace and Inferior Court of Common pleas be, and hereby are adjourned unto the first Tuesday in May next, then to be holden at said Taunton; and that all Pleas, Processes, Writs, Actions, Suits, Complaints, Precepts, Recognizances and all other matters and things returnable and having, or that should have day in said Courts, if the same had been held on the said third Tuesday of February, shall be returnable and have day in said Courts on the said first Tuesday of May and shall abide and continue unto that time, and shall then be proceeded on, heard, Tried and determined to all intents and purposes as effectually as if said Courts had been held on the said third Tuesday of February. And all Executions returnable on the said third Tuesday of February may be returned into the Clerks Office of said Courts, and alias Executions issued afterwards in like manner as if this Adjournment had not been made. [*Passed January 30.*]



## CHAPTER 114.

ORDER IMPOWERING JN<sup>O</sup> BRIDGHAM TO ENTER AN APPEAL.

THE COMMITTEE appointed the 22<sup>d</sup> Instant on the Petition of John Bridgham having made Report the following Order passed thereon viz<sup>t</sup>

*Ordered* that the said John Bridgham have liberty to enter his Appeal to and bring forward the Action in said Petition mentioned at the next Superior Court of Judicature &c to be held at Plymouth in and for the County of Plymouth on the third Tuesday of May next, and that the Justices of the said Court be empowered to receive the said Appeal and to hear and determine, give Judgment and Award Execution thereon to all intents and purposes as they might have done had the Appeal been entered at the said Court on the third Tuesday in May last. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 167.

Legislative  
Records of the  
Council,  
xxvii., 154.  
House Jour-  
nal, pp. 37, 136,  
130, 140. *Aule*,  
p. 236, chap. 21.

## CHAPTER 115.

## RESOLVE GRANTING £800 TO THE JUSTICES.

*Resolved*, That the Sum of Eight Hundred Pounds be granted, and paid out of the publick Treasury to the Honorable the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery, for their Services, for one Year, ending the first Day of January. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 168.  
Mass.  
Archives,  
xliv., 657.

House Jour-  
nal, p. 133.

## CHAPTER 116.

## ORDER ALLOWING £40 TO THE CHIEF JUSTICE.

*Ordered*, That the Sum of Forty Pounds be allowed and paid out of the publick Treasury, to the honorable Thomas Hutchinson, Esq<sup>r</sup> in Consideration of his faithful Discharge of the important Trnst reposed in him as Chief Justice, and for his further Encouragement therein. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 168.  
Mass.  
Archives,  
xliv., 656.

House Jour-  
nal, p. 133.

## CHAPTER 117.

## RESOLVE ALLOWING £50 TO THE SECRETARY.

*Resolved* That the Sum of Fifty pounds be granted and allowed to be paid out of the public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province for his Services for one year ending the sixth day of December last. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 168.

House Jour-  
nal, p. 133.

## CHAPTER 118.

Legislative  
Records of the  
Council,  
xxvii., 169.

House Jour-  
nal, p. 134.  
*Supra*, chap.  
117.

## RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

*Resolved* That the Sum of Ninety pounds be granted and allowed to be paid out of the public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province in consideration of his extraordinary Services to the sixth day of December last. [*Passed January 30.*]

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## CHAPTER 119.

## RESOLVE ALLOWING £267 TO THE TREASURER.

Legislative  
Records of the  
Council,  
xxvii., 169.

House Jour-  
nal, p. 134.

*Resolved* That the Sum of Two hundred and sixty seven pounds be granted and allowed to be paid out of the public Treasury to the hon<sup>ble</sup> Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues of this Province for a years Service ending the twenty third day of Decem<sup>r</sup> last. [*Passed January 30.*]

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## CHAPTER 120.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council,  
xxvii., 169.  
Mass.  
Archives, 1.,  
276.

House Jour-  
nal, p. 134.

In the House of Repres<sup>tes</sup>  
*Resolved*, That there be granted and allowed to be paid out of the publick Treasury the sum of four Shillings per Diem, to the honorable Thomas Cushing Esq<sup>r</sup> Speaker of the House, for every Day of his Attendance in the General Court, from the opening of the Session on the twenty seventh Day of May, One Thousand seven Hundred and Sixty seven, over and above his Pay as a Member of this House.

In Council. Read & Concurred. [*Passed January 30.*]

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## CHAPTER 121.

## RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council,  
xxvii., 169.

House Jour-  
nal, p. 134.

*Resolved* That there be granted and allowed to be paid out of the public Treasury the Sum of Ninety pounds to M<sup>r</sup> Samnel Adams Clerk of the House of Representatives for his Service during the several Sessions for the current year. [*Passed January 30.*]

## CHAPTER 122.

## RESOLVE ALLOWING £50 TO THE LIEUT OF THE CASTLE.

*Resolved* That there be allowed and paid out of the public Treasury the Sum of Fifty pounds to John Phillips Esq<sup>r</sup> Lieutenant of his Majesty's Garrison at Castle William in consideration of his faithful discharge of that trust. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 170.  
House Jour-  
nal, p. 134.

## CHAPTER 123.

## RESOLVE ALLOWING £40 TO THE CHAPLAINS OF CASTLE WILLIAM.

*Resolved* That there be allowed and paid out of the public Treasury the Sum of Forty pounds to the Chaplains at his Majesty's Castle William for one year, in proportion to their several services and in consideration of their faithful discharge of that trust. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 170.  
House Jour-  
nal, p. 135.

## CHAPTER 124.

## RESOLVE ALLOWING £12 TO THE CHAPLAIN OF THE TWO HOUSES.

In the House of Representatives.

*Resolved* That there be allowed and paid out of the public Treasury the Sum of Twelve pounds to the Rev<sup>d</sup> Mr Samuel Cooper Chaplain to the hon<sup>ble</sup> Board and to this House the current year.

In Council, Read and Concurred. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 170.  
House Jour-  
nal, p. 134.

## CHAPTER 125.

## RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

*Resolved* That the Sum of Two hundred pounds be granted and allowed to be paid out of the public Treasury to the Rev<sup>d</sup> Mr Edward Holyoke President of Harvard College over and above the Rents of Massachusetts Hall for one year ending the tenth day of September next to be paid Quarterly. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 170.  
House Jour-  
nal, p. 134.

## CHAPTER 126.

## RESOLVE ALLOWING £100 TO PROFESSOR WINTHROP.

*Resolved* That there be granted and allowed to be paid out of the public Treasury to John Winthrop Esq<sup>r</sup> Hollisian Professor of Mathematics and Natural Philosophy at Harvard College in Cambridge the Sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great & important trust reposed in him and for his further encouragement therein. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xxvii., 170.  
House Jour-  
nal, p. 134.

## CHAPTER 127.

## RESOLVE ALLOWING £100 TO PROFESSOR WIGGLESWORTH.

Legislative  
Records of the  
Council,  
xxvii., 171.

House Jour-  
nal, p. 134.

*Resolved* That there be granted and allowed to be paid out of the public Treasury to M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the Sum of One hundred pounds for one years Service ending at this time as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him. [*Passed January 30.*]

## CHAPTER 128.

## ORDER IMPOWERING A COMMITTEE TO TAKE A LIST OF THE VALUATIONS OF ESTATES IN MURRAYFIELD AND NOTIFYING A TOWN MEETING.

Legislative  
Records of the  
Council,  
xxvii., 172.

House Jour-  
nal, pp. 132, 141.  
*Ante*, p. 123,  
chap. 20.

THE FOLLOWING ORDER passed on the Petition of Timothy Paine and John Murray Esq<sup>rs</sup> Agents for the Town of Murrayfield viz<sup>t</sup>

Read and

*Ordered* That Abijah Willard Esq<sup>r</sup>, Eldad Taylor Esq<sup>r</sup> and Cap<sup>t</sup> Charles Baker or any two of them be impowered to take a List of Valuation upon Oath of all the Rateable Estate Real and personal in said Murrayfield, they first giving at least ten days notice to said Inhabitants before they proceed on said business by posting up a Notification in said Town, and when they have compleated said List make return thereof to Timothy Smith, John Smith and Malcomb Henry Selectmen chosen in said Town for the year 1766, and upon receipt thereof the said Selectmen be impowered to make out their Warrant to some principal Inhabitant of said Town requiring him to notify a Meeting of said Inhabitants qualified to vote in Town affairs to meet and Assemble in said Town for the choice of Town Officers for the ensuing year, and that the Valuation so taken be the Rule for determining the qualification of Voters at said Meeting; and that Simeon Strong Esq<sup>r</sup> be appointed to Moderate at said Meeting, and that if it should so happen that the said valuation cannot be taken in convenient time for holding said Meeting in March next, that said Meeting be held as soon after as it conveniently may be, and the transaction of said Inhabitants at said Meeting be valid to all intents and purposes as if the said Meeting had been held in the Month of March. [*Passed February 1.*]

## CHAPTER 129.

RESOLVE IMPOWERING W<sup>m</sup> SAWYER, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 173.

House Jour-  
nal, pp. 97, 100,  
131, 141.

A PETITION of William Sawyer of Reading Guardian of Betty Pope of Danvers a Minor setting forth That the said Minors Estate lyes chiefly in Land and a number of pieces intermixed with other Lands which belonged to her late Father John Pope deceased by which means they are unfit for a settlement and the said Minor

being now of years of discretion is desirous of having them sold: And praying that he may be impowered to make Sale of said Lands accordingly, the produce thereof to be improved at Interest for the benefit of the said Minor.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be impowered to make Sale of all the Lands mentioned in the Petition to the best advantage for the said Minor, and in his said capacity execute a good deed or deeds of the same to the purchaser, and the Money arising from said Sale to [be]<sup>1</sup> put to interest on good security, such interest, so far as shall be necessary, to be improved for said Minors best advantage during her minority and the principal to be paid to her when she shall arrive to lawful age or at Marriage which shall first happen, the Petitioner giving due caution to the Judge of Probate for Middlesex to perform accordingly, and to account with him touching his proceedings in the Premises when and so often as thereunto lawfully required. [*Passed February 1.*]

## CHAPTER 130.

RESOLVE IMPOWERING ELISHA MARSH, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisha Marsh of Westminster Guardian to five of his Children Minors setting forth That the said Minors with Sarah his other daughter who is of age, are interested in six seventh parts of three Acres of Land lying in Hingham and in common with the other seventh part owned by Thomas Lothrop which Land is incapable of a Division among them: And Praying that he may be impowered to make sale of the same for the benefit of his said Children.

Legislative  
Records of the  
Council,  
xxvii., 174.

House Jour-  
nal, pp. 137, 140,  
144. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered to make Sale of the Lands mentioned in this Petition for the most the same will fetch, and make and execute a good deed or deeds in Law to the purchaser or purchasers, He observing the Rules of the Law for the Sale of Real Estate by Executors and Administrators, and giving proper caution to the Judge of Probate for the County of Suffolk that the Money arising by said Sale be put to interest for the benefit of the Heirs, and to account for said principal and Interest, and pay the same to said Heirs when lawfully required in proportion to their interest in said Real Estate. [*Passed February 2.*]

## CHAPTER 131.

RESOLVE IMPOWERING STEPHEN LITTLE, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Stephen Little of Newbury Guardian to Tristram Coffin Bartlett a Minor of the same Town of the age of nine years Setting forth That the said Minor is in right of his Father Samuel Bart-

Legislative  
Records of the  
Council,  
xxvii., 175.

<sup>1</sup> Inserted from the House Journal, p. 100.

House Journal, pp. 139, 144.  
Province Laws, II., 151,  
chap. 10.

lett late of said Newbury deceased intituled to his dwelling House with the Buildings and divers Lands near and commodious thereto: that he is also intituled to a piece of Land in said Town containing about thirty Acres about four Miles distant from the said dwelling House with an old House and Barn thereon which together with the Fences thereon are in a ruinous condition, and that the said Minors income is insufficient for the Repairs thereof, and for the said Minors education, he having no Personal Estate at all. And praying that he may be impowered to make Sale of the said Thirty Acres for the benefit of the said Minor, the principal Sum to be secured for the said Minor 'till he shall come of age and the interest applied towards defreying the expence of his Education and of the Repairs of his other Estate.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that Stephen Little Guardian to the Minor mentioned in the Petition be, and he hereby is impowered in his said capacity to make Sale of the thirty Acres of Lands in the Town of Newbury as mentioned in this Petition for the most the same will fetch, and make and execute a good deed of the same to the purchaser; He observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Essex that the Money arising by said Sale be applied for the benefit of said Minor as mentioned in this petition. [*Passed February 2.*]

## CHAPTER 132.

### RESOLVE ALLOWING £120 TO M<sup>r</sup> W<sup>m</sup> BAKER.

Legislative Records of the Council, xxvii., 176.

House Journal, p. 145.

*Resolved* That there be allowed and paid out of the public Treasury to William Baker Doorkeeper to his Excell<sup>y</sup> the Governor and this Court the Sum of One hundred and twenty pounds for his Service for one year to be paid Quarterly. [*Passed February 2.*]

## CHAPTER 133.

### RESOLVE GRANTING 1,000 ACRES OF EQUIVALENT LAND TO SAM<sup>l</sup> BROWN.

Legislative Records of the Council, xxvii., 178.  
Mass. Archives, cxviii., 325.

Mass. Archives, cxviii., 323.  
Legislative Records of the Council, xxvi., 72.  
House Journal, pp. 127, 128, 130, 146.  
Province Laws, xii., 315, chap. 125.

A PETITION of Samuel Brown of Stockbridge Setting forth, That some time before the year 1739 there was granted to the people of Plymouth a Township called N<sup>o</sup> 7 in the Line of Towns which was afterwards sold to Mess<sup>rs</sup> Hill & Keyes and called Hillsborough. That the duty of settlement enjoined by the Court being fully performed the Petitioner purchased One thousand Acres of Land in said Township of Gershom Keyes at the price of £500 in 1739 as Bills of Credit then passed which he soon after sold at £550 and Warranted the same to the purchaser. That said Township has since fallen into the Province of Newhampshire and that said thousand Acres is in consequence thereof now held by other persons who utterly refuse to relinquish the same to the great damage of the Petitioner who now stands chargeable with the Sum he sold it for amounting as he



is informed with the Interest and difference of Money to more than £2,000 of the old tenor Money. And praying relief.

*Resolved* that there be granted to the S<sup>d</sup> Sam<sup>l</sup> Brown his heirs & assigns One thousand Acres of the Unappropriated Lands of the province lying in the County of Hampshire or Berkshire to [be laid]<sup>1</sup> out in one peice Adjoining to some former Grant and that he return a plan thereof In twelve months for Confirmation. [*Passed February 4.*]

## CHAPTER 134.

RESOLVE ALLOWING £100 TO AND<sup>w</sup> OLIVER, ESQ<sup>r</sup>.

A PETITION of Andrew Oliver Esq<sup>r</sup> Secretary of this Province Setting forth, That for divers years preceeding the year 1766 the General Court had besides the usual Grants made him a further Grant upon his application to them for that purpose. And praying that they would again make him such extraordinary Grant in consideration of the Services in said Petition mentioned; and that they would likewise make him a Grant for procuring Assistance in the Office as usual.

Read &

*Resolved* That the Sum of One hundred pounds be allowed and paid out of the public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province to enable him to pay for Assistance in his Office for the year past. [*Passed February 5.*]

Legislative  
Records of the  
Council,  
xxvii., 181.

House Journal,  
p. 145.  
Province  
Laws, xvii.,  
457, chap. 187;  
600, chap. 206.  
*Ante*, p. 87,  
chap. 175;  
p. 182, chap.  
144.

## CHAPTER 135.

ORDER ALLOWING £600 TO RICH<sup>d</sup> JACKSON, ESQ<sup>r</sup>.

*Ordered* that there be allowd & paid Out of the publick Treasury to Richard Jackson Esq<sup>r</sup> late Agent for this Province the Sum of Six hundred Pounds sterling in full for his Services from January 24 1765 to February 5 1767 and that the Treasurer be & hereby is directed to purchase a Bill p Exchange & remit the same to Richard Jackson Esq<sup>r</sup> accordingly as soon as may be. [*Passed February 5.*]

Legislative  
Records of the  
Council,  
xxvii., 182.  
Mass.  
Archives,  
xxii., 505.

Legislative  
Records of the  
Council, xxvi.,  
502, House  
Journal,  
pp. 116, 125, 135,  
143 *bis*, 149.

## CHAPTER 136.

ORDER ALLOWING £600 TO DENYS DE BERDT, ESQ<sup>r</sup>.

*Ordered* that there be allowed and paid out of the public Treasury to Denys De Berdt Esq<sup>r</sup> the Sum of Six hundred pounds Sterling in full for the Services he performed for this Province at the Court of Great Britain from Novem<sup>r</sup> 1765 to Novem<sup>r</sup> 1767 and that the Treasurer be and hereby is directed to purchase a Bill p Exchange and remit the same to Denys De Berdt Esq<sup>r</sup> accordingly as soon as may be. [*Passed February 5.*]

Legislative  
Records of the  
Council,  
xxvii., 182.

Legislative  
Records of the  
Council, xxvi.,  
493, House  
Journal,  
pp. 116, 125, 135,  
143 *bis*, 149.

<sup>1</sup> Inserted from the Legislative Records of the Council, xxvii., 179.

## CHAPTER 137.

## RESOLVE APPOINTING A HEARING ON THE LAND BANK AFFAIRS.

Legislative  
Records of the  
Council,  
xxvii., 182.

Legislative  
Records of the  
Council,  
xxvii., 162, 163,  
179, 180. House  
Journal,  
pp. 138, 140, 146,  
147, 149. Prov-  
ince Laws, iv.,  
183, chap. 20;  
919, chap. 19;  
*Ante*, p. 219,  
chap. 226.

THE HOUSE having taken into consideration the plea offered by Robert Anchmuty Esq<sup>r</sup> to the Jurisdiction of this Court in the hearing ordered to be had before the whole Court on Wednesday the 27<sup>th</sup> day of January last, which hearing was then had before the two Houses only (his Excellency having been prevented being present by indisposition) upon the Report of a Committee of both Houses the last Session wherein the Committee reported that a Bill be brought in to Assess the Sum of Seventeen hundred and forty pounds 7/3 with Interest from Septem<sup>r</sup> 9<sup>th</sup> 1740 on the late Directors of the Land Bank Company as due to the Partners of said Company. The said Plea having been duly considered, and it appearing that the Jurisdiction of this Court in the case mentioned hath been already established by sundry Acts of this Government which have received the Royal Sanction.

*Resolved* That this Court will proceed to a hearing of the said affair on Tuesday next the 9 Instant at ten O'Clock in the forenoon upon the merits of the case. And that the parties concerned may then have liberty of being heard by themselves or by Council learned in the Law if they see cause. [*Passed February 6.*]

## CHAPTER 138.

## ORDER ALLOWING A COPY OF THE PROVINCE LAWS TO THE DISTRICT OF CONWAY.

Legislative  
Records of the  
Council,  
xxvii., 183.

*Ordered* that the District of Conway in the County of Hampshire be allowed a set of Province Laws, and that the Printer be directed to deliver them accordingly.<sup>1</sup> [*Passed February 6.*]

## CHAPTER 139.

RESOLVE GRANTING £183 TO HARRISON GRAY, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xxvii., 184.  
Mass.  
Archives, civ.,  
501.

Mass.  
Archives, civ.,  
500. House  
Journal,  
pp. 151, 153.  
*Ante*, p. 284,  
chap. 119.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province Setting forth That over and above the ordinary Services & duties of his post, he hath borrowed the Sum of £197,000 and issued Government Securities for the same payable in June 1768. That he hath likewise paid the bounty on Wheat and Flour to the amount of £1,578.11.2. And with gratitude acknowledging the Grant made him for his common services, and praying a further allowance.

[Read and]

*Resolved*, that the Sum of One hundred & Eighty three pounds, be granted & paid out of the Publick Treasury to the Petitioner in full Consideration of the Extraord<sup>y</sup> services mention'd in y<sup>e</sup> Petition. [*Passed February 8.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 140.

RESOLVE THANKING THE COMMISSARIES ON NEW YORK LINE AND DIRECTING THAT A COPY OF THE PROCEEDINGS BE DELIVERED TO EACH MEMBER OF THE COURT, &c.

*Resolved* that the thanks of this Court be, & they hereby are given to the Commissaries, on the part of this Government, appointed to settle the boundary line, with New York, for their faithful discharge of their trust; and it is

*Ordered* that the Journal of the Proceedings at the Conference be printed & that a Copy be delivered to each Member of the Court & also a Copy for the use of each town in the Province And that the printing of the same be under the Inspection & Correction of the said Commissaries. [*Passed February 10.*]

Legislative  
Records of the  
Council,  
xxvii., 185.  
Mass.  
Archives, iv.,  
286.

House Jour-  
nal, pp. 155, 156.  
*Ante*, p. 211,  
chap. 213;  
p. 273, chap.  
106.

## CHAPTER 141.

RESOLVE APPOINTING A FURTHER HEARING ON THE AFFAIRS OF THE LAND BANK.

AT THE HEARING yesterday on the Land Bank Affair M<sup>r</sup> Auchmuty in behalf of the Directors having declared that the Committee of the General Court in 1751 Settled all Accounts between the late Directors & Partners of said Bank, And that the balances reported by S<sup>d</sup> Com<sup>tee</sup> as then due from Said Directors if paid must indemnify Said Directors against all future demands upon them on Account of Said Bank: and having Signified that he Should postpone what he had further to offer on Said Affair till the General Court Should determine whether the Settlement aforesaid ought to be deemed a full Settlement of all Accounts between S<sup>d</sup> Directors & Partners

*Resolved* that this Court will hear the whole of what the Directors aforesaid have further to offer on the report of a Committee now under consideration of this Court relative to said Bank before they proceed to any determination thereon and that the further hearing be had on Friday next at ten o'Clock before noon. And in Order that this Court may have as full and clear an idea as may be of what is fit to be done further in that affair, the said Com<sup>tee</sup> are hereby desired to attend at the same time, and declare the reasons on which they have founded the Several parts of their report, in order that the said Directors and all concerned may have an opportunity to make Such observations on Said report and the reasons that may be offer'd in justification of it, as they, or any of them or any person or persons in their behalf shall think proper. [*Passed February 10.*]

Legislative  
Records of the  
Council,  
xxvii., 185.  
Mass.  
Archives, civ.,  
523.

Legislative  
Records of the  
Council,  
xxvii., 185.  
House Jour-  
nal, pp. 154, 156.  
Province  
Laws, iii., 551,  
chap. 23; xiv.,  
521, chap. 285.  
*Ante*, p. 290,  
chap. 137.

## CHAPTER 142.

RESOLVE ALLOWING £6 TO T. WOODBRIDGE.

Legislative  
Records of the  
Council,  
xxvii., 186.

House Jour-  
nal, p. 241  
(February,  
1766); p. 356  
(March, 1767);  
pp. 155, 156.

A PETITION of Timothy Woodbridge Esq<sup>r</sup> Praying an allowance for eleven days time & expences viewing and apprizing by order of this Court three several Tracts of Province Land upon which divers persons had seated themselves, for which he hath as yet received no recompence.

[Read and]

*Resolved* That the Sum of Six pounds be allowed & paid out of the public Treasury to the Petitioner in full for his Services mentioned in the Petition. [*Passed February 10.*]

## CHAPTER 143.

RESOLVE ALLOWING £2. 10 TO JN<sup>o</sup> CHADWICK.

Legislative  
Records of the  
Council,  
xxvii., 187.

House Jour-  
nal, p. 155.  
*Supra*, chap.  
142.

A PETITION of John Chadwick Esq<sup>r</sup> setting forth, That he was employed with Timothy Woodbridge Esq<sup>r</sup> to view and Apprize two several Tracts of Province Land upon which divers persons had seated themselves, in which Service he spent five days. And praying an allowance for his time and expences.

Read, and

*Ordered* That the Sum of Two pounds, ten shillings be allowed and paid out of the public Treasury to the Petitioner in full for the Services mentioned in the Petition. [*Passed February 10.*]

## CHAPTER 144.

RESOLVE ALLOWING £12 TO JN<sup>o</sup> COX.

Legislative  
Records of the  
Council,  
xxvii., 187.  
Mass.  
Archives,  
lxi., 405.

Mass.  
Archives,  
lxi., 404.  
House Jour-  
nal, pp. 118, 153.

A PETITION of John Cox of Falmouth Setting forth That in the year 1758 Col<sup>o</sup> Waldo impressed his Sloop called the Ranger to carry about 140 men for the Relief of S<sup>t</sup> Georges Fort when attacked by the Indians, in which service He with five people together with said Sloop were employed six days, for which he hath as yet received no recompence. And praying an allowance.

[Read and]

*Resolved* that the Sum of Twelve Pounds be allowd & paid out of the publick Treasury to the Petitioner in full of the Services within mentiond. [*Passed February 10.*]

## CHAPTER 145.

RESOLVE IMPOWERING SYBIL PRATT, ADM<sup>r</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sybbel Pratt Widow of Oliver Pratt late of Newton deceased Admin<sup>r</sup> of his Estate and Guardian of their three Children Minors all under the age of five years Setting forth, That the deceaseds Personal Estate is insufficient by the Sum of One hundred pounds to pay his just debts. That he died seized of about twenty seven Acres of Land lying partly in Newton and partly in Needham with part of a dwelling House, Barn, Stable Potters Shop, Kiln House, Clay Mill, one half of a Forge and Blacksmiths Shop standing thereon, and one quarter part of a Grist Mill. That it is apprehended that it would greatly prejudice, if not spoil the whole to sell of so much only as would suffice to pay the debts. And praying that she may be empowered to dispose of the whole Interest, the quarter part of the Grist Mill excepted for the payment of the debts aforesaid, the remainder to be put on Interest for the benefit of those concerned therein.

[Read and]

*Resolved* That the prayer of this Petition be granted and that the Petitioner be and hereby is empowered to make sale of the deceaseds Real Estate as mentioned in this Petition for the most the same will fetch (excepting one quarter part of a Grist Mill) which is to be reserved with so much of the Interest of the Money arising by the Sale abovesaid as to be equal to one third part of said deceaseds Real Estate which is to be for the use and benefit of the said Widow during her natural life, and to make and execute a good deed or deeds in Law to the purchaser or purchasers, She observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and giving proper caution to the Judge of Probate for the County of Middlesex that the Monies arising by such Sale be applied for the payment of said deceaseds just debts and charge of Sale, and the overplus to be put at Interest for the benefit of the Heirs; she to account for the principal and Interest of said Overplus, and pay the same to the said Heirs when lawfully required in proportion to their respective Interests. [*Passed February 11.*]

Legislative  
Records of the  
Council,  
xxvii., 188.

House Jour-  
nal, pp. 102,  
157 *bis*, 163, 164.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 146.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
NATH<sup>l</sup> SEARS FOR A REHEARING OF A CASE.

A PETITION of Nathaniel Sears of Rochester Setting forth, That in February last he bought of one Francis Nurse of New Rutland a Waggon for which he was to give him forty shillings; that after he had repaired it Timothy Nurse Father of the said Francis took the Waggon from the Petitioner on pretence of his said Son's being a Minor, whereupon the Petitioner brought an Action of Trespass against him before one of his Majesty's Justices of the peace and recovered damages and costs against the said Timothy who Appealed from said Judgment to the Inferior Court of Common pleas for the

Legislative  
Records of the  
Council,  
xxvii., 189.

House Jour-  
nal, p. 157.

County of Worcester, which Action was continued to January, but the Petitioner imagining that the Court was to be held in February was called out. And praying liberty of a Rehearing of the said Case. [Read and]

*Ordered* that the Petitioner notify the adverse party to shew cause on Tuesday the 23<sup>d</sup> Instant, if this Court shall then be sitting, or otherwise on the first Tuesday of the next May Session why the prayer of this Petition should not be granted, and that Execution be stayed in the mean time, the Petitioner giving caution to the Sheriff of the County of Suffolk for the payment of such Sum as shall be finally adjudged for him to pay. [*Passed February 11.*]

## CHAPTER 147.

ORDER SUBSTITUTING MR. DANIELSON FOR COL<sup>o</sup> PATRIDGE ON THE COMMITTEE ON POTASH.

*Ordered* that M<sup>r</sup> Danielson be of the Committee to consider of the best method for preventing the Adulteration of Potash & to preserve that manufacture in the Province in the Room of Coll Partridge who is absent.<sup>1</sup> [*Passed February 11.*]

## CHAPTER 148.

ORDER ALLOWING A COPY OF THE PROVINCE LAWS TO THE DISTRICT OF HUBBARDSTON.

*Ordered* That the District of Hubbardston be allowed a set of the Province Laws at the Public expence, and that the Printers be directed to deliver the same accordingly. [*Passed February 11.*]

## CHAPTER 149.

RESOLVE DIRECTING THE PROV. TREAS<sup>r</sup> TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

In the House of Representatives.

*Resolved* That no person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present year shall be esteemed duly qualified to enter upon the execution of that Office until he shall first have an Oath administred to him for his faithful performance of his said Office, and shall give Bond with sufficient sureties to the acceptance of a Committee appointed by this Court for that purpose in the Sum of Thirty thousand pounds lawful money to the three eldest Councillors in the Province for the time being who are hereby appointed a Committee in behalf of the Province and especially Authorized for this pur-

<sup>1</sup> This order is not signed in the Secretary's copy of Legislative Records of the Council, xxvii., 190, or in the Mass. Archives, lix., 554, but in the State Library copy, xxvii., 195, we have the following, viz., "Consented to by the Governor."

This substitution not found in the House Journal.

Legislative Records of the Council, xxvii., 190. Mass. Archives, lix., 554.

Legislative Records of the Council, xxvi., 67, 124, 186, 204, 276, 356, 443, 446, 467, 496. House Journal, p. 36.

Legislative Records of the Council, xxvii., 190.

House Journal, p. 140.

Legislative Records of the Council, xxvii., 190.

House Journal, pp. 157, 158. *Infra*, chap. 150.



pose; which Bond shall be conditioned for such Treasurers truly & faithfully discharging the duty of his Office according to Law, and for his rendering an Account when and so often as he shall be required by the General Court, of all such Sum or Sums of Money as he shall from time to time receive into the Treasury and for his well and truly paying to his Successor in said Office or to any other person that may be appointed by the General Court to receive the same, all such Sum or Sums of Money as upon such settlement of his said Accounts or otherwise shall be found due and payable from him to the Province; provided that the said Bond be put in suit within three years next after the date hereof, otherwise to be void and of no effect. And that Col<sup>o</sup> Williams and M<sup>r</sup> Hall with such as the hon<sup>ble</sup> Board shall join be a Committee to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council, Read and Concurred, and James Bowdoin Esq<sup>r</sup> is joined in the affair. [*Passed February 11.*]

## CHAPTER 150.

### VOTE CHOSING HARRISON GRAY PROVINCE TREASURER.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year, and first of a Treasurer and Receiver General for the Province, when Harrison Gray Esq<sup>r</sup> was chosen by a major vote of the Council and House of Representatives. [*Passed February 11.*]

Legislative  
Records of the  
Council,  
xxvii., 192.

House Jour-  
nal, p. 158.  
*Supra*, chap.  
149.

## CHAPTER 151.

### VOTE CHOSING THOMAS HUBBARD COMMISSARY GENERAL

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year, when Thomas Hubbard Esq<sup>r</sup> was chosen the Officer for purchasing Provisions &c for the several Forts and Garrisons by a major part of the votes of the Council and House of Representatives. [*Passed February 11.*]

Legislative  
Records of the  
Council,  
xxvii., 192.

House Jour-  
nal, p. 158.

## CHAPTER 152.

### VOTE CHOSING JAMES RUSSELL IMPOST OFFICER.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major part of the Council and House of Representatives. [*Passed February 11.*]

Legislative  
Records of the  
Council,  
xxvii., 192.

House Jour-  
nal, p. 158.

## CHAPTER 153.

### VOTE CHOSING THOMAS GOLDTHWAIT TRUCK MASTER AT FORT POWNAL.

Legislative  
Records of the  
Council,  
xxvii., 192.  
House Jour-  
nal, p. 159.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil Officers for the present year when Thomas Goldthwait Esq<sup>r</sup> was chosen Truckmaster for Fort Pownall by a major vote of the Council and House of Representatives. [*Passed February 11.*]

## CHAPTER 154.

### VOTE CHOOSING PUBLIC NOTARIES.

Legislative  
Records of the  
Council,  
xxvii., 193.  
House Jour-  
nal, p. 159.

THE TWO HOUSES according to Agreement proceeded to the choice of Civil Officers for the present year when the undermentioned persons were chosen public Notaries by a major Vote of the Council & House of Representatives.

Suffolk	For the Port of Boston	. . .	{ Ezek <sup>l</sup> Goldthwait Esq <sup>r</sup> Henry Alline jun <sup>r</sup>
Essex	{ Salem . . . . .	. . .	John Nutting Esq <sup>r</sup>
	{ Ipswich . . . . .	. . .	M <sup>r</sup> Samuel Sawyer
	{ Marblehead . . . . .	. . .	John Chipman Esq <sup>r</sup>
	{ Newbury . . . . .	. . .	William Atkins Esq <sup>r</sup>
Middlesex	{ Gloucester . . . . .	. . .	Daniel Witham Esq <sup>r</sup>
	{ Charlestown . . . . .	. . .	M <sup>r</sup> Nath <sup>l</sup> Gorham
Plymouth	Plymouth . . . . .	. . .	M <sup>r</sup> Edw <sup>d</sup> Winslow jun <sup>r</sup>
Barnstable	{ Barnstable . . . . .	. . .	Solomon Otis Esq <sup>r</sup>
	{ Falmouth . . . . .	. . .	Thomas Smith Esq <sup>r</sup>
Bristol	. . . . .	. . .	{ Thomas Gilbert Esq <sup>r</sup> Elisha Tobey Esq <sup>r</sup>
Dukes County	Edgartown . . . . .	. . .	M <sup>r</sup> John Pease jun <sup>r</sup>
Nantucket	. . . . .	. . .	Obed Hussey Esq <sup>r</sup>
York	{ York . . . . .	. . .	Daniel Moulton Esq <sup>r</sup>
	{ Kittery . . . . .	. . .	Charles Chauncey Esq <sup>r</sup>
	{ Wells . . . . .	. . .	Jn <sup>o</sup> Wheelwright Esq <sup>r</sup>
Cumberland	Falmouth . . . . .	. . .	Stephen Longfellow Esq <sup>r</sup>
Lincoln	. . . . .	. . .	M <sup>r</sup> Tho <sup>s</sup> Moulton

[*Passed February 11.*]

## CHAPTER 155.

### ORDER DIRECTING THE COMMITTEE ON THE LAND BANK AFFAIRS TO MAKE THEIR REPORT IN WRITING.

Legislative  
Records of the  
Council, xxvii., 194.  
Mass.  
Archives, clv.,  
525.

Legislative  
Records of the  
Council, xxvi.,  
497. House  
Journal, p. 163.  
*Ante*, p. 291,  
chap. 141.

*Ordered* That the Committee last appointed to adjust the Affairs of the late Land Bank Company be directed to reduce to writing the Facts and reasons upon which they framed their Report now under consideration of the court, and set forth the Evidence upon which they proceeded; and that they serve Robert Auchmuty Esq<sup>r</sup> who appears in behalf of the late Directors with a copy of the same as soon as may be; who is also directed to reduce to Writing his Answer thereto; and that both be laid before this Court on Friday the 19<sup>th</sup> Instant for their consideration. [*Passed February 12.*]

## CHAPTER 156.

RESOLVE IMPOWERING NICH<sup>o</sup> BAYLIES, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Nicholas Baylies Admin<sup>r</sup> of the Estate of Cap<sup>t</sup> William Austin late of Taunton deceased Setting forth That the deceaseds debts amount to £349.1.9½ more than his Personal Estate; and that the said deceaseds Estate is represented Insolvent, but that the Commissioners appointed to examine the Claims had not reported in season for the Superior Court to take cognizance thereof. And Praying that this Court would empower him to make Sale of the deceaseds Real Estate, excepting the Widows Dower or thirds in the same that the Creditors who may be prejudiced by a delay may be paid their respective dividends.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner in said capacity be and hereby is empowered to make Sale of the Lands mentioned in the Petition, reserving to the Widow as within expressed, and make a good deed or deeds thereof to the purchaser or purchasers of the same He observing the directions of the Law in selling Real Estates by Exec<sup>rs</sup> & Admin<sup>rs</sup>, and that he give caution to the Judge of Probate of Wills &c for the County of Bristol that he will apply the monies arising from said Sale to the payment of the deceaseds just debts. [*Passed February 12.*]

Legislative  
Records of the  
Council,  
xxvii., 134.  
House Jour-  
nal, pp. 140, 160.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 157.

RESOLVE IMPOWERING SUSANNAH HARTSHORN, ADM<sup>s</sup>, TO CONFIRM FORMER SALE OF REAL ESTATE AND EXECUTE A DEED THEREFOR AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Susanna Hartshorn of Reading Admin<sup>x</sup> of the Estate of her late husband Thomas Hartshorn of said Reading deceased Setting forth That her said husband did in his life time bargain and sell unto Andrew Beard of said Reading one fourth part of a dwelling House and about twenty one Acres of Land adjoining, about three Acres of Land lying at some distance, and about an Acre and three quarters of meadow, for which the said Andrew had paid a part of the money agreed for; but that her Husband dying suddenly the deed was not given. And praying that she may be empowered to execute a Deed of the Premises as had been agreed between the said Parties.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner in her said capacity be and hereby is empowered to confirm the bargain and Sale of the Lands and the fourth part of the dwelling house within mentioned by her late husband and execute a good deed thereof unto the said Andrew Beard; she giving caution to the Judge of Probate of Wills &c for the County of Middlesex that the remainder of the Money arising from said bargain and Sale besides what was received by her said Husband shall be distributed among the Heirs according to the rules and directions of the Law for disposing of Personal Estate Intestate. [*Passed February 12.*]

Legislative  
Records of the  
Council,  
xxvii., 135.  
House Jour-  
nal, pp. 113, 158.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 158.

RESOLVE IMPOWERING DAV<sup>d</sup> DAMAN, GUARDIAN, TO SELL LAND AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 196.

House Jour-  
nal, pp. 116, 157.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of David Daman Guardian to Mehitabel Taylor of Reading a person Non compos mentis Setting forth, That the said Mehitabel is seized of eleven Acres of Woodland in right of her Father Thomas Taylor deceased, which Land affords no Income to the said Noncompos, who is able to do very little towards her own support. And praying that he may be impowered to make sale of the said Land for the benefit of the said Mehitabel.

[Read and]

*Resolved* That the prayer of this Petition be granted, and the Petitioner in said capacity be and hereby is impowered to make Sale of the Land within mentioned and execute a good deed or deeds thereof to the purchaser or purchasers of the same, He observing the rules of the Law for selling Real Estates by Executors and Admin<sup>rs</sup>, and giving caution to the Judge of Probate of Wills &c for the County of Middlesex that the monies arising by said Sale shall be improved in the best manner for the use and benefit of the said Mehitabel. [*Passed February 12.*]

## CHAPTER 159.

RESOLVE GRANTING TO ROB<sup>t</sup> ORR LICENCE TO SELL STRONG DRINK.

Legislative  
Records of the  
Council,  
xxvii., 196.

House Jour-  
nal, p. 161.

A PETITION of Robert Orr of Dighton setting forth, That he was occasionally out of the Province at the time for granting Licenses to Retailers And Praying that the next Court of General Sessions of the peace for the County of Bristol may be impowered to grant him a License for the retailing Spirituous Liquors, he having been already approbated by the Selectmen of said Town for that purpose.

[Read and]

*Resolved* That the prayer of the within Petition be so far granted that the Court of General Sessions of the peace to be holden at Taunton in and for the County of Bristol on the second Tuesday of May next, be and hereby are impowered to grant Licenses to the within named Petitioner, He obtaining the Approbation of the Selectmen of the Town of Dighton for that purpose, the time for granting Licenses being elapsed notwithstanding. [*Passed February 12.*]

## CHAPTER 160.

RESOLVE IMPOWERING JOS. BUFFUM, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 197.

House Jour-  
nal, pp. 114, 161,

A PETITION of Joseph Buffum Admin<sup>r</sup> of the Estate of James Buffum late of Salem Hatter dec<sup>d</sup> Setting forth That the said James died without Wife or issue, that a considerable part of his Estate consists of Buildings which are constantly going to decay,

the income whereof is not equal to the Interest of the Money due from said Estate, whereby the only ground of hope that there will be any thing left for the Heirs is in the speedy Sale of the Real Estate. And Praying that he may be impowered to sell the same accordingly.

162. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* That the prayer of the within Petition be granted, and the Petitioner be and hereby is impowered to make sale of the whole of the Real Estate within mentioned for the most the same will sell for, and to make and execute a good deed thereof, he observing the rules of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving sufficient security to the Judge of Probate for the County of Essex that the proceeds of said Sale be applied for the payment of the deceaseds just debts, and the overplus if any there be, secured for the benefit of the Heirs of said deceased. [*Passed February 12.*]

## CHAPTER 161.

ORDER IMPOWERING SHARP FREEBORN AND ESTHER HIS WIFE, INDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sharp Freeborn of Paxton & Esther his Wife daughter of Peter Lawrence late of Grafton Indian Planter deceased Setting forth That at the last Session of this Court he obtained leave to sell her part of her said Fathers Estate of the value of about £40 in order to discharge a Mortgage on his own Estate to the amount of the like Sum, which leave was granted upon condition he should execute a Deed of Release of his own Estate for the benefit of the said Esther and her Heirs: but inas-much as his said Estate is of double the value of the said Esther's Lands, Praying that he may be impowered to sell the same upon his securing to her and her Heirs an equivalent in his own Estate.

Legislative  
Records of the  
Council,  
xxvii., 198.

House Jour-  
nal, pp. 43, 48,  
49, 116, 161.  
*Ante*, p. 241,  
chap. 33.

Read &

*Ordered* That the prayer of this Petition be granted, and the said Sharp and Esther are hereby impowered by and with the consent and under the direction of the Guardians of the Hassanamisco Indians to sell the aforementioned twenty two Acres of Land the said Esthers third or share in her Father's Estate for the most the same will fetch, and make and execute a good and sufficient Deed or deeds thereof. Always provided the proceeds thereof shall be applied to the discharging of the Mortgage mentioned in this Petition, and the Overplus, if any be, shall be<sup>1</sup> remain in the hands of the s<sup>d</sup> Guardians for the benefit of the said Sharp and Esther. Provided also that when the said Mortgage shall be discharged, the said Sharp shall and he hereby is impowered to execute a deed of Release to the said Guardians of so much of the Lands whereon he now dwells in Paxton in trust for the benefit of said Esther and the Heirs of the s<sup>d</sup> Esther after the decease of the said Sharp as the Guardians aforesaid shall judge to be of equal value to the said Esther's share in her Father's Estate. [*Passed February 12.*]

<sup>1</sup> *Sic.*

## CHAPTER 162.

## ORDER APPOINTING A COMMITTEE TO EXAMINE TITLE TO LANDS IN WORCESTER COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 202.

House Jour-  
nal, p. 41  
(1766-67);  
pp. 112, 126, 152,  
165.

A PETITION of Benjamin Davis living near Oxford in the County of Worcester Setting forth That there are several hundred Acres of Province Land as he apprehends lying between Douglass and Dudley and near to Oxford; that although said Land hath never been granted away, yet divers persons have laid claim to it. And Praying that he may be allowed to purchase the s<sup>d</sup> Land, or if the Government should not choose to maintain a dispute about it, that they would quit claim to him their Title upon such terms as they shall judge reasonable.

In Council, Read and

*Ordered* That Timothy Paine Esq<sup>r</sup> with such as the hon<sup>ble</sup> House shall join be a Committee to treat with the Persons who under colour of a title from this Government have entered into possession of the Lands mentioned in this Petition and to release and quit Claim the same to them upon such considerations as the said Committee shall judge reasonable.

In the House of Representatives, Read and Concurred and Cap<sup>t</sup> Brown & Cap<sup>t</sup> King are joined. [*Passed February 13.*]

## CHAPTER 163.

## RESOLVE FOR AN ADDITIONAL ESTABLISHMENT FOR FORT POWNAL.

Legislative  
Records of the  
Council,  
xxvii., 204.  
Mass.  
Archives, cx.,  
320.

Legislative  
Records of the  
Council,  
xxvii., 144.  
House Jour-  
nal, pp. 120, 149.

In the House of Representa<sup>es</sup>

The House taking under consideration his Excel<sup>ty</sup> Message of the 19<sup>th</sup> Jan<sup>y</sup> with respect to Fort Pownal

*Resolved* that there be a further Establishment of Eight privates for the defence of Said Fort at the rate of one pound four Shill<sup>s</sup> p<sup>r</sup> month, and also for one Chaplain at the rate of four pounds p<sup>r</sup> Month, ending the 20<sup>th</sup> of June Next.

In Council Read & Concurred. [*Passed February 15.*]

## CHAPTER 164.

## ORDER ALLOWING A COPY OF THE PROVINCE LAWS TO PIGWACKET.

Legislative  
Records of the  
Council,  
xxvii., 207.

House Jour-  
nal, p. 170.

*Ordered* that the Proprietors of a Place called Pigwacket be allowed a set of the Province Laws, and that the Printers be directed to deliver the same. [*Passed February 16.*]



## CHAPTER 165.

## ORDER ALLOWING THE ACCOUNT OF JOSIAH EDSON, GUARDIAN.

JOSIAH EDSON ESQ<sup>r</sup> one of the Guardians of the Indians in the County of Plymouth presented an Account of the Sale of one third part of a twenty Acre Lot of Land in Bridgewater lately belonging to Deborah Brand deceased for the payment of debts by order of this Court; whereupon the following Order passed viz<sup>t</sup>

*Orderd* that (the within Account being right cast & well vouchd) the said Josiah Edson Esq<sup>r</sup> be further accountable to the Heirs of Deborah Brand dec<sup>d</sup> viz Peter Brand & Joshua Brand for the Ballance being four pounds five shillings & nine pence & Interest thereon from the 25<sup>th</sup> of April last. [*Passed February 16.*]

Legislative  
Records of the  
Council,  
xxvii., 208.  
Mass.  
Archives,  
xxxiii., 462.

House Jour-  
nal, p. 170.  
Province  
Laws, xvi., 241,  
chap. 76, note.  
*Ante*, p. 169,  
chap. 112.

## CHAPTER 166.

## ORDER ALLOWING THE ACCOUNT OF JOSIAH EDSON &amp; JOHN TURNER, GUARDIANS.

JOSIAH EDSON ESQ<sup>r</sup> and M<sup>r</sup> John Turner Guardians of the Indians in the County of Plymouth presented their Account with Patience Thomas Indian Woman at Mattakeset in Pembroke: whereupon the following Order passed viz<sup>t</sup>

*Orderd* that Josiah Edson & John Turner Esq<sup>rs</sup> Guardians of the Indians in the County of Plymouth be further accountable for the Ballance being the Sum of One hundred twenty one pounds five shillings & tenpence half peny belonging to Patience Thomas an Indian Woman at Mattakesett in pembrock. [*Passed February 16.*]

Legislative  
Records of the  
Council,  
xxvii., 208.  
Mass.  
Archives,  
xxxiii., 460.

Mass.  
Archives,  
xxxiii., 459.  
House Jour-  
nal, p. 170.  
Province  
Laws, xvi., 241,  
chap. 76, note.

## CHAPTER 167.

RESOLVE IMPOWERING DAVID TORREY, ADM<sup>s</sup> AND GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of David Torrey Admin<sup>r</sup> of the Estate of Abner White late of Weymouth deceased intestate and Guardian to Asa White and Elizabeth White Children of said Intestate Setting forth, That he hath settled his administration account with the Judge of Probate by which it appears that there is Sixty pounds due to the Petitioner; that since the death of the said Abner his dwelling House has been wholly consumed by fire, whereby the Widow and Children are destitute of an habitation; that since the death of their Father about six Acres & a half of Land hath fallen to his said Wards by the death of Thomas White their uncle. And praying that he may be empowered to make Sale of the said Land, and so much of the Land of their said Father as shall be sufficient to discharge the debts of the said Intestate, and to erect a small Building on the Estate for the accomodation of the Family.

Legislative  
Records of the  
Council,  
xxvii., 209.

House Jour-  
nal, p. 160.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered in his said capacity as Admin<sup>r</sup> to make Sale of so much of the Real Estate of the said deceased for the most it will fetch where it shall be least prejudicial to the remainder as shall amount to the Sum of Sixty pounds for the payment of said deceaseds just debts, and such further Sum as shall be sufficient to pay the charges of the Sale and make and execute a good deed or deeds of the same to the purchaser or purchasers, he observing the direction of the Law for the Sale of Real Estate by Executors and Admin<sup>rs</sup>. Also further

*Resolved* That the said Petitioner be and hereby is impowered in his said capacity as Guardian to Asa White and Elizabeth White Heirs of the said deceased to sell the six Acres and half of Land mentioned in this Petition belonging to the said Minors, and to make and execute a good deed or deeds to the purchaser or purchasers; he observing the rules & directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale be applied for the Building a House for the use and benefit of said Minors. [*Passed February 17.*]

## CHAPTER 168.

### RESOLVE CONFIRMING 300 ACRES LAND TO MIDDLECOT COOKE.

Legislative  
Records of the  
Council,  
xxvii., 210.

House Jour-  
nal, pp. 9, 146,  
161. Province  
Laws, x., 220,  
chap. 174.

A PETITION of Middlecot Cooke Esq<sup>r</sup> Setting forth That on the 11<sup>th</sup> of may 1659 the Great and General Court for divers good causes and considerations made a Grant to Jeremiah Belcher of three hundred Acres of Land, but as the said Land was not laid out in the life time of the said Jeremiah his Son Jeremiah preferred his Petition to the General Court on the 17<sup>th</sup> of novem<sup>r</sup> 1722 who thereupon revived and confirmed the said Grant to him, who on the 21<sup>st</sup> of Novem<sup>r</sup> following by Deed conveyed the same to his Son Joseph, and the said Joseph by his Deed the 4<sup>th</sup> of January 1723 conveyed the same to Elisha Cooke Esq<sup>r</sup> Father of the Petitioner which Grant has never been confirmed to him. And Praying that the said Grant may be revived, and as the Right is now vested in the Petitioner by virtue of his Fathers Will, that the Plan & return herewith presented may be confirmed to him. The Land in said Plan is bounded as follows viz<sup>t</sup> begining at the Southeast corner of a Tract of Land laid to Jonathan Bagley Esq<sup>r</sup> joining upon the head of the Township of Lebanon so called, and running by said Lebanon Northeast and by East ninety six rods: then northwest by north by unappropriated Lands seven hundred and twenty rods to the Northeast branch of Salmon falls River, and by said River until it comes to the north corner of said Bagley's Land and then by the same Land to the begining: Allowance being made of forty acres for a Pond and Heath lying within the same, as Surveyed by James Warren jun<sup>r</sup>

[Read and]

*Resolved* That the within Plan of Three hundred Acres of Land delineated and described as it is set forth therein be accepted and hereby is confirmed unto Middlecot Cooke his Heirs and Assigns in lieu of and in full satisfaction for the Grant of Land formerly made

by this Court of three hundred acres to Jeremiah Belcher May 11 AD 1659 and afterwards confirmed to Jeremiah Belcher Son of the aforesaid Jeremiah Nov<sup>r</sup> 17 1722 which has not been heretofore taken up. Provided that it doth not exceed the quantity of three hundred acres, exclusive of the allowance of forty Acres for a Pond and Heath, nor interfere with any former Grant. [*Passed February 17.*]

## CHAPTER 169.

### RESOLVE IMPOWERING SARAH ROSS TO SELL REAL ESTATE.

A PETITION of Sarah Ross Setting forth, That her Husband William Ross hath been absent from her more than four years, during which time she hath had no Letter or Account from him, and that she hath had the small Pox since his departure which hath reduced her to great straits & difficulties and is now indebted for the charges thereof and for her subsistence. That she hath a paternal Estate in the Town of Berwick, but no income to subsist upon. And Praying that she may be empowered to sell the said Estate that she may be enabled thereby to put herself in a way of business and procure a maintenance.

Legislative  
Records of the  
Council,  
xxvii., 213.

House Jour-  
nal, pp. 141, 167,  
175.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is empowered to sell and dispose of the Estate therein mentioned and to make and execute a good deed in Law to the purchaser or purchasers and apply the proceeds of said Sale to her own use and benefit: It appearing that the Lands mentioned in the within Petition are worth One hundred pounds that they are unimproved Lands, that they bring in nothing, that they fall short of fifty Acres: that the Petitioner justly owes Thirty six pounds for Medicines and Attendance &c when she had the Small Pox, that she hath nothing wherewith to pay the same or support herself but the charity of her Friends. [*Passed February 18.*]

## CHAPTER 170.

### ORDER DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF WORCESTER TO ALLOW FURTHER TIME TO ENTER CLAIMS AGAINST AN ESTATE.

A PETITION of William Molineux Attorney to Charles Ward Apthorp Esq<sup>r</sup> Setting forth That Isaac Thomas late of Hardwick deceased was at the time of his Death indebted to said Apthorp on two Notes of hand, about thirteen hundred pounds lawful Money, and that the Estate of the said Isaac was by John Rowe Esq<sup>r</sup> the Admin<sup>r</sup> represented Insolvent and Commissioners were accordingly appointed to receive the Claims, in consequence whereof the Petitioner gave to M<sup>r</sup> Rowe his demand upon said Thomas's Estate, who as he was going to Hardwick promised to give in the same to the said Commissioners; but after eighteen months were elapsed, it appeared that a division had been ordered without any regard had to the Petitioners Claim, which it seems had never been given in. And

Legislative  
Records of the  
Council,  
xxvii., 203, 213.

House Jour-  
nal, pp. 154, 160,  
165, 175, 176.  
*Ante*, p. 117,  
chap. 6.

inasmuch as no dividend has been actually yet made, Praying that his Claim aforesaid may be allowed to be admitted, the time granted for giving in the same being elapsed notwithstanding.

[Read and]

*Ordered* that the prayer thereof be so far granted as that the Judge of Probate for the County of Worcester be, and he is hereby authorized and directed to allow the Creditors of the Estate of the said Isaac Thomas until the tenth day of June next to bring in their Claims to prove their debts due notice thereof being previously given them in manner as the Law directs; and in the distribution of the said Estate the aforementioned and any further demands on said Estate which after examination of 'em had by the Commissioners appointed for that purpose shall appear to be just, be considered and admitted that so every Creditor may receive his just proportion of said Estate. [*Passed February 18.*]

## CHAPTER 171.

RESOLVE IMPOWERING LYDIA MULLIKEN, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 215.

House Jour-  
nal, pp. 146, 173.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Lydia Mulliken Admin<sup>x</sup> of the Estate of her late husband Nathaniel Mulliken of Lexington deceased Intestate Setting forth That he some months before his death purchased a Lot of Woodland of about Fifty acres lying in Lexington, whereby his Estate is greatly involved and subject to pay interest, whereas the said Woodland brings in nothing. And Praying that she may be empowered as she has a prospect of selling the said Land to advantage to make Sale thereof in order to discharge the debts due from the Estate, for which purpose she is ready to release her Right of Dower in the Land aforesaid.

[Read and]

*Resolved* That the prayer of this Petition be granted and that the Petitioner in her said capacity be and hereby is empowered to make Sale of the Land mentioned in the Petition, and to execute a good deed or deeds thereof to the purchaser or purchasers of the same; She observing the Rules & directions of the Law for selling Real Estates by Executors and Admin<sup>rs</sup> and giving caution to the Judge of Probate of Wills for the County of Middlesex that she will appropriate the money arising from said Sale to the payment of the deceaseds debts, and the remainder, if any, shall be secured for the benefit of the Heirs. [*Passed February 18.*]

## CHAPTER 172.

RESOLVE ALLOWING £200 TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xxvii., 220.

House Jour-  
nal, p. 176.

*Resolved* That there be allowed and paid out of the public Treasury to the hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Commissary General the Sum of Two hundred pounds for one years Service ending the eleventh day of January last. [*Passed February 18.*]

## CHAPTER 173.

RESOLVE ALLOWING £20 TO M<sup>r</sup> STEPHEN SEWALL.

*Resolved* that the Sum of Twenty pounds be allowed & paid out of the Publick Treasury to M<sup>r</sup> Stephen Sewall Professor of the Hebrew & other oriental Languages at Harvard Colledge as a Gratuity, in Consideration of his faithfull Discharge Of that Trust the Year past. [*Passed February 18.*]

Legislative  
Records of the  
Council,  
xxvii., 220.  
Mass.  
Archives,  
lviii., 575.  
House Jour-  
nal, p. 176.

## CHAPTER 174.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

THE ACCOUNT of Robert Luscombe Treasurer of the County of Bristol being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Account being right cast & well vouched be allowed, and that the Treasurer of the County of Bristol be discharged of the Sum of One hundred and seventy five pounds six shillings and five pence which he has paid by order of the Court of General Sessions of the peace, and that he be further accountable for a balance of One hundred and seven pounds three shillings and two pence due to the County aforesaid when he shall receive it. [*Passed February 19.*]

Legislative  
Records of the  
Council,  
xxvii., 221.  
House Jour-  
nal, p. 179.

## CHAPTER 175.

## RESOLVE IN REGARD TO LAND GRANTED JACOB GLEASON AND OTHERS.

A PETITION of Jacob Gleason, Samuel Warner Samuel Warner jun<sup>r</sup>, Allen Goodrich and Lemuel Goodrich living on Province Lands West of Lauesborough in the County of Berkshire Setting forth That they are upon a Tract of Land joining West on Dwights Line, and are bounded South on the north Line of Lands granted to Benj<sup>a</sup> Goodrich & others and north on Lands granted to Asa Douglass and others. And Praying that this Court would quit Claim to them the said Tract of Land being about nine hundred and fifty Acres, they giving security to the Province Treasurer for what this Court shall judge to be the worth of the premises.

[Read and]

*Resolved* That the prayer of said Petition be so far granted as that nine hundred forty three Acres & half of Land included in a Plan of Nine hundred ninety and one Acres of Land returned to this Court by Asa Douglass jun<sup>r</sup> be quit Claimed to the said Jacob Gleason, Samuel Warner, Samuel Warner jun<sup>r</sup>, Allen Goodrich, Lemuel Goodrich and Asa Douglass jun<sup>r</sup> in equal shares or Divisions, to them, their Heirs and Assigns forever, upon condition that they give security to the Province Treasurer to pay him or his Suc-

Legislative  
Records of the  
Council,  
xxvii., 223.  
Legislative  
Records of the  
Council,  
xxvii., 224.  
House Jour-  
nal, pp. 342, 356  
(March, 1767);  
pp. 58, 68, 167,  
174.



cessor in that office Seventy and two pounds and fifteen shillings within one Year. Provided said Tract of Land do not interfere with any former Grant: and in case any of the abovenamed shall refuse or neglect to pay his or their proportion of said Sum of Seventy two pounds, fifteen shillings, then his or their share shall become the property of the other abovenamed Associates, they paying said delinquents proportion. [*Passed February 19.*]

## CHAPTER 176.

### RESOLVE DIRECTING THE GUARDIANS OF THE PLYM<sup>o</sup> INDIANS TO REIMBURSE THE PURCHASERS FOR DEFICIT IN LAND.

Legislative  
Records of the  
Council,  
xxviii., 227.  
Mass.  
Archives,  
xxxiii., 448.

House Jour-  
nal, pp. 170, 181.  
Province  
Laws, xv., 738,  
chap. 523; xvi.,  
241, chap. 76,  
note.

THE REPRESENTATION of Josiah Edson and John Turner Esq<sup>rs</sup> two of the Guardians of the Indians in the County of Plymouth Setting forth That on the 8<sup>th</sup> of march 1757 Patience Thomas Abigail Osgood and Caleb Brand of the Indian Tribe at Mattakeset within the Township of Pembroke obtained leave of the Court with the consent of their Guardians to make Sale of 170½ Acres of Land in said place which was accordingly sold to Nehemiah Cushing and Israel Turner of said Pembroke at £8.2/ old tenor ~~p~~ Acre soon after which the said Nehemiah sold his part to the said Israel who is now deceased. That the said Lands have been surveyed anew and found to contain only 144¼ Acres and ten rods; and as they were sold by the Acre it appears reasonable that the purchasers should be reimbursed the overplus Money which they had paid as aforesaid with Interest. And Praying the direction of this Court concerning it.

[Read and]

*Resolved* that the Guardians of the Indians in said County of Plymouth, be, and hereby are Directed to repay (out of the Money in their hands belonging to Patience Thomas) unto those heirs of Israel Turner deceased, to whom the right of those lands belong, in and by the last Will and Testament of the said Israel the sum of forty Six pounds Eighteen Shillings & Eleven pence being the Exact Sum, with the Interest that the land falling Short amounts to at the price it was Sold for. [*Passed February 20.*]

## CHAPTER 177.

### RESOLVE ALLOWING £6 ANNUALLY TO JN<sup>o</sup> BEVERLY.

Legislative  
Records of the  
Council,  
xxviii., 229.  
Mass.  
Archives,  
lxxx., 651.

Mass.  
Archives,  
lxxx., 650.  
House Jour-  
nal, pp. 153, 180.  
Province  
Laws, xvii.,  
100, chap. 234.

A PETITION of John Beverly Setting forth, That He was a Soldier in the pay of the Province in 1760 and that on his return home in the winter being lost in the woods he was so frozen that he lost both his feet, nor are his legs healed to this day. And praying relief.

[Read and]

*Resolved*<sup>d</sup> that there be pay<sup>d</sup> out of the publick Treasury of this province to the Treasurer of the Town of Andover for the use of John Beverly of Said Town the Sum of Six pounds Lawfull Money and the Same Sum Annually untill the further Order of the GENERAL COURT to be Dispos<sup>d</sup> of by the Overseers of the poor of Said Town as they Shall judge most for the Advantage of Said Beverly. [*Passed February 20.*]



## CHAPTER 178.

RESOLVE IMPOWERING JN<sup>O</sup> RAND, ADM<sup>R</sup>, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Rand of Sherburn Admin<sup>r</sup> of the Estate of his late Father Caleb Rand late of said Sherburn in the County of Nantucket dec<sup>d</sup> Setting forth That the debts of the said deceased amount to £23.18.11 more than the whole of his Personal Estate: and praying that he may be impowered to sell so much of the Real Estate as shall be sufficient to discharge the debts aforesaid.

Legislative  
Records of the  
Council,  
xxvii., 229.

House Jour-  
nal, pp. 154, 181.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner in his said capacity be and hereby is impowered to make Sale of the Land mentioned in this Petition and to execute a good deed or deeds thereof to the purchaser or purchasers of the same he observing the Rules and directions of the Law for selling Real Estates by Executors and Admin<sup>rs</sup> and giving caution to the Judge of Probate of Sherburn in the County of Nantucket that he will appropriate the monies arising from said Sale to the payment of the said debts mentioned in said Petition and charges of Sale.

[*Passed February 20.*]

## CHAPTER 179.

## RESOLVE IMPOWERING JOSEPH MARSHALL AND OTHERS, GUARDIANS, TO SELL REAL ESTATE.

A PETITION of Joseph Marshall, Daniel Gardner and Jonathan Gardner all of Sherburn in the County of Nantucket Guardians to the Person and Estate of Barnabas Gardner of said Sherburn who through age and infirmities is become Noncompos Setting forth, That in order to provide for the support of the said Barnabas it is become necessary to sell a part of his Real Estate. And praying that they may be enabled to sell a part of the Real Estate for the purpose aforesaid accordingly.

Legislative  
Records of the  
Council,  
xxvii., 230.

House Jour-  
nal, pp. 142, 180,  
181, 183. Prov-  
ince Laws, ii.,  
151, chap. 10.

[Read and]

*Resolved* That the prayer of this Petition be granted and that the Petitioners in their said capacity be and hereby are impowered to make Sale of part of the Real Estate prayed for in said Petition to the amount of Eighty pounds lawful money and to make and execute a good deed or deeds in Law to the purchaser or purchasers, he observing the Rules and directions of the Law relating to the Sale of Real Estates, giving caution to the Judge of Probate for the County of Nantucket that the money arising by such Sale be applied for the purposes mentioned in this Petition. [*Passed February 20.*]

## CHAPTER 180.

## RESOLVE ALLOWING FURTHER TIME TO THE HEIRS OF ELIZABETH RAND TO LAY OUT A GRANT OF LAND.

Legislative  
Records of the  
Council,  
xxvii., 230.

House Jour-  
nal, pp. 179, 183.  
*Ante*, p. 46,  
chap. 90.

A PETITION of Samuel Willis of Middleton in behalf of the Heirs of Elizabeth Rand dec<sup>d</sup> Setting forth, That on the 25<sup>th</sup> day of June 1765 the Great and General Court granted to the said Elizabeth Rand her Heirs and assigns twelve hundred Acres of unappropriated Lands to be laid out adjoining to some former Grant, a Plan thereof to be returned within twelve Months from that time for confirmation: that the said Elizabeth Rand then lived out of the Province and is since dead, by reason whereof the said Land has not yet been laid out. And praying for further time to lay out the said Grant and to return a Plan of the same.

[Read and]

*Resolved* that the prayer of the within Petition be granted and that the Heirs of the within named Elizabeth Rand deceased be allowed a further time for laying out said twelve hundred Acres of Land within mentioned, they observing the Resolve of the House of Representatives passed June 25<sup>th</sup> 1765 relative to laying out the same: and that they return a Plan thereof into the Secretary's Office in twelve months from this time. [*Passed February 20.*]

## CHAPTER 181.

## RESOLVE IMPOWERING WILLIAM FISHER, GUARDIAN, TO JOIN WITH THEM IN SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 232.  
Mass.  
Archives, xix.,  
769.

Mass.  
Archives, xix.,  
768–770. House  
Journal, pp. 3,  
172, 185.

A PETITION of Andrew Tyler Clerk, Catharine Ochterlony Widow, Charles Pelham and Mary his Wife, John Tyler and William Fisher Guardian of Miriam Tyler a Minor Setting forth That Miriam Tyler late of Boston Widow deceased by her last Will and Testament devised a certain Brick house and Land in Ann Street in Boston to her four Children namely Andrew Tyler, Catharine Ochterlony, John Tyler and Mary Pelham and to her Grand Child Miriam Tyler a Minor to be divided into five equal parts between them. That in the late Fire the Kitchen of the said House was consumed and the House damaged, besides which there is an incumbrance of £1,800, Old Tenor upon it and only £500 like money Personal Estate wherewith to discharge it; and that they are all desirous of selling said Estate Wherefore praying that they may be enabled to make Sale thereof, one fifth part of the net proceeds of said Sale to be secured for the benefit of the said Minor.

[Read and]

*Resolv'd* that the Prayer of this Petition be granted And that the Said William Fisher Guardian to the Said Minor be and hereby is empower'd to joyn with the Other Petitioners in making Sale of the House and Land within mentiond for the most it will fetch and with them to execute a good and Sufficient Deed thereof to the Purchaser he giving Caution to the Judge of Probate of Wills &c

for the County of Suffolk that the neat Proceeds of the Said Minors Part of the Premises Shall be Secur'd for her use & Benefit. [*Passed February 22.*]

## CHAPTER 182.

RESOLVE IMPOWERING THE PROPRIETORS OF WESTMINSTER TO TAX THEIR LANDS, ALSO TO CHOOSE COLLECTORS THEREOF, ETC.

A PETITION of Elisha Marsh Agent for the Proprietors of Westminster setting forth That at a Meeting of said Proprietors held at Westminster 30<sup>th</sup> December 1767, it appears that they were in debt the Sum of £142.0.9¼ almost £50 whereof is on a Judgment of Court now in force against them and in order to discharge the said Debts, they impowered the Petitioner to make application to this Court for a Tax on all the Lands in Westminster viz<sup>t</sup> On the first, second and third divisions 60 Acres each as a Standard, the fourth or undivided Land at 20 Acres each, and the meadow Lots at three and the Farm Land so called at 500 Acres computed at two Original Rights. And praying that a Tax may be laid on said Lands accordingly, and that Execution on the Judgment aforesaid may be stayed till the money can be raised.

[Read and]

*Resolved* That the prayer of the Petition of Elisha Marsh be so far granted as that the Proprietors of Westminster in the County of Worcester be and hereby are impowered to Tax all the Lands mentioned in said Petition at one penny half penny  $\text{p}$  Acre amounting to the Sum mentioned in said Petition of One hundred and forty two pounds and nine pence, and Nine pounds for paying the expence of said Marsh and for levying and collecting said Tax, and the said Proprietors are hereby impowered to choose Assessors and Collector or Collectors respectively to assess and Collect the same, which Collector or Collectors are hereby impowered to collect said Tax in the same manner and by the same rules as Province Taxes are Collected from time to time. Also it is hereby to be understood that each Proprietors whole Right in said Propriety contains two hundred and three Acres. And whereas there was a Tax laid on the Proprietors Lands in Westminster by the General Court in October 1762 and afterwards set aside by the Court: and whereas some of said Proprietors paid said Tax although set aside as aforesaid, it is hereby to be understood that when the Tax abovesaid is collected of one penny half penny  $\text{p}$  Acre, that then those persons that have paid the former Tax that was set aside aforesaid, be reimbursed the Sum or Sums they then paid out of the Sum that may be collected by the present Tax of one penny half penny  $\text{p}$  Acre. [*Passed February 23.*]

Legislative  
Records of the  
Council,  
xxvii., 233.

House Jour-  
nal, pp. 137, 181,  
187, 188. Prov-  
ince Laws, v.,  
144, note; xvii.,  
306, chap. 183.

## CHAPTER 183.

RESOLVE DISCHARGING STEPH<sup>N</sup> WESSON OF DEBTS DUE THE PROVINCE.

Legislative  
Records of the  
Council,  
xxvii., 235.  
House Jour-  
nal, p. 186.

WHEREAS it appears that M<sup>r</sup> Stephen Wesson Constable of the Town of Concord in the year 1735 (returned an outstanding debtor) has paid all the monies that were due to the Province and has proper Receipts in full for the same.

Therefore

*Resolved* That the said Wesson be discharged in the Province Treasurer's Books. [*Passed February 23.*]

## CHAPTER 184.

ORDER ALLOWING £15 TO W<sup>M</sup> KELLOGG.

Legislative  
Records of the  
Council,  
xxvii., 236.  
House Jour-  
nal, pp. 151, 184.  
*Ante*, p. 254,  
chap. 60.

*Ordered* That the Sum of Fifteen pounds be allowed and paid out of the public Treasury to William Kellogg Agent for the Plantations of Nobletown, Spencer, Tauconick, and New Canaan in full consideration of the expences of his Journey, Attendance on this Court and Return. [*Passed February 23.*]

## CHAPTER 185.

RESOLVE IMPOWERING THANKFUL CUTTING, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 237.

House Jour-  
nal, pp. 137, 187.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Thankful Cutting of Waltham Widow and Admin<sup>x</sup> of the Estate of her late Husband Richard Cutting late of Waltham deceased Setting forth, That the deceaseds Personal Estate is insufficient to pay his just debts: that he died seized of about Eighty Acres of Land in Brookfield which he was obliged to take in order to secure his just Right, and which he had afterwards put upon Sale. And praying that she may be impowered to sell the same under such restrictions as this Court shall think proper.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner in her said capacity be and hereby is impowered to make Sale of the Lands mentioned in the Petition and execute a good deed or deeds thereof, she observing the rules & directions of the Law in selling Real Estates by Executors & Admin<sup>rs</sup> and giving caution to the Judge of Probate of Wills &c for the County of Middlesex that she will appropriate the Monies arising from said Sale to the payment of the deceaseds debts and the remainder if any shall be, secured for the benefit of the Heirs. [*Passed February 23.*]

## CHAPTER 186.

RESOLVE IMPOWERING MARY HOW, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary How Admin<sup>s</sup> of the Estate of her late Husband Josiah How of Charlton deceased Setting forth That the deceaseds Personal Estate is insufficient to pay his just debts; that he died seized of a Farm in Charlton Apprized at One hundred and ninety five pounds, to sell a part of which to pay the debts would spoil the whole. And praying that she may be impowered to sell the whole of said Estate, She to have the income of one third part of the produce as her dower, the remainder to be applied for the payment of the deceaseds debts so far as may be needed for that purpose and the residue divided among his Children.

[Read and]

*Resolved* That the prayer of this Petition be granted, and the Petitioner is impowered in her said capacity to make sale of the premises for the most the same will sell for, and to make and execute a good deed or deeds thereof in Law, She observing the Rules of Law for the sale of Real Estates by Executors and Admin<sup>rs</sup> and giving proper caution to the Judge of Probate of Worcester that the proceeds of said Sale shall be applied as mentioned in this Petition. [*Passed February 23.*]

Legislative  
Records of the  
Council,  
xxvii., 238.

House Jour-  
nal, pp. 115, 185.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 187.

## RESOLVE ALLOWING £2.8.4 TO GEO. BRUCE.

A PETITION of George Bruce of Mendon Setting forth, That in the year 1756 he being then a Deputy Sheriff for the County of Worcester did by virtue of his Excellency's Proclamation apprehend & secure three Deserters from his Majesty's Service, the Cost and charge whereof for himself and Assistants amounts to £2.8.4 for which he presented a Petition in 1758 but the same being then lost or mislaid he hath never received any recompence. And praying an allowance.

Read and

*Resolved* That the prayer be granted so far as that there be allowed and paid out of the Public Treasury the Sum of Two pounds, eight shillings & four pence to M<sup>r</sup> Joseph Dorr for the use of the Petitioner in full discharge of the Petitioners Account mentioned in the Petition. [*Passed February 23.*]

Legislative  
Records of the  
Council,  
xxvii., 238.

House Jour-  
nal, pp. 118, 185.

## CHAPTER 188.

ORDER APPOINTING A COM<sup>tee</sup> TO BUILD A LIGHT HOUSE NEAR PLYMOUTH HARBOR.

In the House of Representatives

*Ordered* that Coll Warren & Cap Thomas with such as the Hon<sup>ble</sup> Board shall joyne be a Committee to build a Light house near Plymouth Harbour

In Council Read & Concurr'd and Gam<sup>l</sup> Bradford Esq<sup>r</sup> is joined.  
[*Passed February 24.*]

Legislative  
Records of the  
Council,  
xxvii., 243.  
Mass.  
Archives,  
lxvi., 426.

House Jour-  
nal, pp. 151, 154,  
189. Province  
Laws, iv., 992,  
chap. 22; 1604,  
note.

## CHAPTER 189.

RESOLVE IMPOWERING REBECCA SWIFT, ADM<sup>rs</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 247.

House Jour-  
nal, p. 182 *bis*.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jeremiah Tucker and Rebecca Swift Widow, Admin<sup>rs</sup> of the Estate of Nathaniel Swift late of Milton Yeoman deceased Setting forth That the deceaseds Moveable Estate amounted to £42.12.10 and that there is due from said Estate with an allowance to the Widow the Sum of £51.9.1 That he died siezed of a House and about fifteen Acres of Land in Milton and of about 30 Acres of Pasture at about a miles distance from the Homestead, Apprized in the whole at £393.6.8 That the deceased left nine Children, seven of whom are Minors, and that the Income of said Estate is insufficient for their support, but if turned into Money would yield four times as much as the Estate does. And praying that they may be impowered to sell the said Estate, they giving caution to the Judge of Probate to apply the produce to the use and benefit of the Heirs.

[Read and]

*Resolved* That the prayer of this Petition be granted and that the Petitioner Rebecca Swift in her capacity be and hereby is impowered to make Sale of the Premises mentioned in this Petition for the most the same will sell for, and make and execute a good deed or deeds in Law to the purchaser or purchasers, she observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving caution to the Judge of Probate for the County of Suffolk that the money arising by said Sale to be so much of it applied to pay the deceaseds just debts as is sufficient to discharge the same, and the overplus to be disposed of in the following manner viz<sup>t</sup> that part which belongs to the two Children which are of age to be paid unto them: the residue to be paid unto the respective Guardians of the said Minors, which by them shall be put out to interest for the respective use and benefit of the said Minors; the principal and what of the interest that may be due and in the hands of the respective Guardians of the said Minors to be paid to them respectively as they come of age, or to the daughters severally at the day of Marriage. [*Passed February 25.*]

## CHAPTER 190.

RESOLVE AND ORDER 'CONCERN' THE 4 TOWNS REVOLTING TO CON-  
NECTICUT.

Legislative  
Records of the  
Council,  
xxvii., 248.

House Jour-  
nal, pp. 150, 172,  
193, 195. Prov-  
ince Laws,  
xiv., 337, chap.  
182; 588, chap.  
124.

WHEREAS the Inhabitants of the Towns of Suffield, Enfield and Somers in the County of Hampshire and the Inhabitants of the Town of Woodstock in the County of Worcester did in or about the year 1749 Revolt from their subjection to this Government under which they had at first been settled and until that time continued, and by which they had been protected at great charge in several Wars, and did apply to the Government of Connecticut to receive them as being within that Colony. And whereas the said Government did at first disclaim any share in the said Revolt, but afterwards by an Act or Law artfully establish a new form of words



expressive of the bounds of the Counties of Hartford and Windham in order to give colour to the Officers of the said Counties respectively to exercise Jurisdiction over the said revolting Inhabitants. And whereas after various attempts to persuade and to compel the said Inhabitants to return to their subjection a War began and for many years continued between his late Majesty and the French King, and during the continuance of this War the Government of this Province desisted from all compulsory measures with the said Inhabitants lest damage should thereby accrue to his Majesty's Service. And whereas by the restoration of peace to all his Majesty's Dominions, the reasons for such forbearance altogether cease, and the Inhabitants of the said Towns still continue in their Revolt from this Government.

It is therefore

*Resolved* and

*Ordered* That the Inhabitants of the Towns of Suffield, Enfield, Somers and Woodstock at all times ought to have been and from henceforth to all intents and purposes shall be considered as within the limits of this Province & under the Jurisdiction of the Government here established by the Royal Charter. And all Civil & Military Officers within the Counties of Hampshire & Worcester especially and all other Officers and persons whomsoever it may concern within the Province are required to govern themselves accordingly.

Provided always, that notwithstanding the Inhabitants of the several Towns aforesaid have been from year to year assessed by this Court for their proportion of the Province Tax, in case of their voluntary return to their subjection to this Government, no part of the said Tax shall be required of them.

And to prevent all pretence of further exemption from Taxes the Inhabitants of said Towns are hereby notified and warned to forbear payment of any future Taxes to the Government of Connecticut, and the Selectmen of each Town are required to give in a List of Polls and Estates in such Town to the Secretary's Office before the Session of this Court in May next in order to their being assessed in a just proportion to the other Inhabitants of the Province; and in case of their neglect so to do, the said Towns shall be assessed in such proportion to the other Towns of the Province as to the General Court shall then appear to be reasonable. And the payment of all Assessments made after the present Session of this Court shall be enforced in like manner as by Law the payment of Assessments upon any other Inhabitants of this Province are or may be enforced.

And the Sheriff of the County of Hampshire is required as soon as may be to deliver to one or more of the Selectmen of each of the Towns of Suffield, Enfield and Somers: and the Sheriff of the County of Worcester is required in like manner to deliver to one or more of the Selectmen of the Town of Woodstock a Copy or Copys of this Resolve or Order; and the said Selectmen are required to give notice thereof to their respective Inhabitants. [*Passed February 25.*]

## CHAPTER 191.

RESOLVE ALLOWING 18/ TO SAM<sup>L</sup> WINCHEL.

Legislative  
Records of the  
Council,  
xxvii., 251.

House Jour-  
nal, pp. 122, 187.

A PETITION of Samuel Winchel of Egremont, Praying an allowance for three days Service in the year 1757 & 1758 in impressing nurses & furniture for the Sick Soldiers by Warrant from M<sup>r</sup> Justice Ashley, for which he hath received no allowance.

[Read and]

*Resolved* That the prayer of the Petition be granted, and that the Sum of Eighteen shillings be paid out of the Province Treasury to M<sup>r</sup> Ephraim Fitch for the use of the Petitioner in full for Services mentioned in his Petition. [*Passed February 25.*]

## CHAPTER 192.

RESOLVE IMPOWERING PHEBE FOBES, ADM<sup>X</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxvii., 252.

House Jour-  
nal, pp. 116, 187,  
190, 191.

A PETITION of Phebe Fobes Admin<sup>x</sup> of the Estate of her late Husband Abner Fobes of Uxbridge dec<sup>d</sup> Setting forth That the debts of the deceased amount to £45.12.10 more than his Personal Estate. And praying that she may be impowered to sell so much of the Real Estate as may be sufficient to discharge the said debts.

[Read and]

*Resolved* That the prayer of the Petition be granted, and that the Petitioner in her said capacity be and hereby is impowered to make sale of so much of the Real Estate as is sufficient to discharge the debts mentioned in said Petition, and make good deed or deeds in Law of the same: giving caution to the Judge of Probate of Wills for the County of Worcester that the proceeds arising by said Sale be applied for the purposes mentioned in said Petition. [*Passed February 25.*]

## CHAPTER 193.

ORDER WITH STAY OF EXECUTION IMPOWERING NATH<sup>L</sup> SEARS TO HAVE A REHEARING OF AN ACTION.

Legislative  
Records of the  
Council,  
xxvii., 254.

Legislative  
Records of the  
Council,  
xxvii., 242.  
House Jour-  
nal, pp. 157, 192,  
196. *Ante*,  
p. 293, chap.  
146.

THE COMMITTEE appointed the 24<sup>th</sup> Ins<sup>t</sup> on the Petition of Nathaniel Sears Praying for a Rehearing of an action against one Timothy Nurse having made Report the following Order passed thereon viz<sup>t</sup>

Read and accepted, and

*Ordered* that the Petitioner be and he hereby is authorized and impowered to have a rehearing of the Action mentioned in the Petition at the next Inferior Court to be holden at Worcester in the County of Worcester on the second Tuesday of May next; and the Justices of the said Court are hereby directed to hear and try the said Action, make up Judgment and Award Execution thereon as fully as if no default had been made; and that Execution on the former Judgment be stayed in the mean time. Provided the said Sears give Bond to the Sheriff of the County of Suffolk in whose

hands the execution now is, for the payment of such Sum as shall finally be recovered of him, and that he give the said Timothy Nurse notice of this Order at least fourteen days before the sitting of said Court. [*Passed February 26.*]

## CHAPTER 194.

ORDER ALLOWING £5.14.6 TO COM<sup>TEE</sup> ON BRIDGE OVER WATERS RIVER IN DANVERS.

Legislative  
Records of the  
Council,  
xxvii., 255.  
Mass.  
Archives,  
cxxi., 463.

THE COMMITTEE who went by order of the General Court to view the Bridge over Waters River in Danvers laid before the Court an account of their time Horse hire and expences in said business.

Read &

*Orderd* that there be allowd & paid out of the publick Treasury the Sum of five pounds fourteen Shillings & six pence to the several Gentlemen above mentiond according to their several Accounts. [*Passed February 26.*]

Legislative  
Records of the  
Council, xxvi.,  
182, 370, 387,  
485; xxvii., 37.  
House Jour-  
nal, pp. 38, 40,  
194.

## CHAPTER 195.

ORDER DIVIDING A TAX OF £5.14.6 AMONG THE TOWNS OF ESSEX COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 255.  
Mass.  
Archives,  
cxxi., 464.

*Orderd* that the within mentiond Sum [of £5.14.6 allowed to the Committee appointed to view the Bridge over Water's River in Danvers] be added to the Taxes of the several Towns in the County of Essex in the next Tax Act, unless this Court shall then otherwise order. [*Passed February 26.*]

House Jour-  
nal, p. 197.  
*Supra*, chap.  
194.

## CHAPTER 196.

RESOLVE IMPOWERING SARAH BARNARD, ADM<sup>X</sup>, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Barnard Admin<sup>s</sup> of the Estate of her late Husband George Barnard of Princetown deceased Setting forth, That the deceaseds Personal Estate is insufficient to pay his just debts: that his Real Estate was apprizd at Forty pounds and that it will take near two thirds of that Sum to discharge the said debts and the usual charges & allowances. And Praying that she may be impowered to make Sale of the said Real Estate, she to be accountable.

[Read and]

*Resolved* That the prayer of this Petition be granted and that the Petitioner be and she is hereby impowered to make Sale of the Premises mentioned in this Petition for the most it will fetch, and to make & execute a good deed or deeds in Law to the purchaser or purchasers, she observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, reserving the interest of one third of the proceeds of such Sale for her own use

Legislative  
Records of the  
Council,  
xxvii., 251.

House Jour-  
nal, pp. 188, 191,  
192, 203. Prov.  
ince Laws,  
ii., 151, chap.  
10.

during her natural life, and giving caution to the Judge of Probate for the County of Worcester that the other two thirds of the said proceeds be applied so far as shall be necessary for the payment of the said deceaseds just debts, and that the remainder, if any there be, be paid to the lawful Heirs of said deceased or their Guardians, and that at the decease of the said Widow the third part aforementioned be alike distributed amongst said Heirs agreeable to the direction of the Law. [*Passed February 29.*<sup>1</sup>

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## CHAPTER 197.

ORDER ALLOWING £1. 16 TO SAM<sup>L</sup> DAKIN, EXEC<sup>R</sup>.

Legislative  
Records of the  
Council,  
xxvii., 258.

House Jour-  
nal, pp. 119, 197.

A PETITION of Samuel Dakin Exec<sup>r</sup> of his Fathers last Will and Testament; setting forth That his said Father being in the pay of the Province in his Majesty's Service carried his own Gun with him and the same was then lost. And praying that agreeable to the encouragement at that time given by the Government, he may be allowed the value of the Gun lost as aforesaid.

Read &

*Ordered* that the Sum of One pound, sixteen shillings be allowed and paid out of the public Treasury to Charles Prescott Esq<sup>r</sup> for the use of the Petitioner in full for the loss of his Gun mentioned in the Petition. [*Passed February 29.*

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## CHAPTER 198.

RESOLVE CONFIRMING THE PROCEEDINGS AT A MEETING OF THE FIRST PARISH IN HAVERHILL.

Legislative  
Records of the  
Council,  
xxvii., 258.

House Jour-  
nal, pp. 107, 200.

A PETITION of Isaac Osgood and others of the first Parish in Haverhill Setting forth, That the said Parish at their Annual Meeting in March 1765 made choice of three Assessors, and of the same persons to be a Committee to warn Parish Meetings &c; That the said Committee without taking the Oath required by Law respecting the other Government Bills proceeded to warn a Meeting of said Parish on the 20<sup>th</sup> day of May then next after; at which Meeting the Parish pursuant to said warning met and voted to Build a new Meeting house, and for that purpose to raise by way of Tax on the Polls and Estates of the Inhabitants belonging to said Parish the Sum of Three hundred pounds and chose a Committee to build the said Meeting House, who proceeded to build the same, and pursuant to the directions of the Parish more than One thousand pounds Old Tenor have been expended upon it, but that some persons dispute the legality of the said March Meeting and of all things done in consequence thereof, because the said Assessors did not then take the forementioned Oath, altho' they did it on the 31<sup>st</sup> day of May following, whereby the affairs of the Parish are like to be greatly embarrassed. And praying the interposition of this Court for their Relief.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 25.

[Read and]

*Resolved* That the prayer of the Petition be so far granted as that the Parish Meeting mentioned in said Petition be and hereby is, to all intents and purposes held valid, notwithstanding the Parish Committee omitted to take the Money Oath as by Law required previous to their warning said Meeting. Provided nevertheless that no Action commenced before the passing of this Resolve and founded on the illegality of said Meeting shall in any wise be affected hereby. [*Passed February 29.*]

## CHAPTER 199.

RESOLVE IMPOWERING JERUSHA FENNO, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jerusha Fenno Widow and Admin<sup>x</sup> of the Estate of Joseph Fenno deceased Intestate Setting forth That the said Joseph died siezed of several Tracts of Land some lying in Milton, but the far greater part in Stoughton; that one Tract with the Buildings on it, is held in common with others and incapable of a Division, and that the Fences on the whole are greatly out of Repair insomuch that it would take the whole Income for a number of years to effect the Repairs; that she hath two small Infants and is in expectation of a third to provide for, which she is incapable of doing out of the Estate. And praying that she may be empowered to sell the same and place the Money arising from said Sale at interest for the benefit of the said Children.

Legislative  
Records of the  
Council,  
xxvii., 259.

House Jour-  
nal, pp. 139, 198.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is empowered to sell the whole of the Real Estate therein mentioned for the most the same will fetch, She observing the Rules of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale be secured for the Heirs of the deceased, reserving one third part of the interest of the Money arising therefrom for the use of the Petitioner during her natural life in lieu of her right of Dower in s<sup>d</sup> Estate. [*Passed February 29.*]

## CHAPTER 200.

RESOLVE IMPOWERING BENJ<sup>A</sup> BURT, GUARDIAN, TO SELL A MINORS' INTEREST IN LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Burt Guardian of Joseph, Martha and Susanna Howland Minors and Children of Nathaniel Howland late of Boston Mariner deceased Setting forth That the said Minors are interested in a certain Tract of Land lying in Granville containing about 800 Acres, being in a Wilderness state and wholly unimproved. That all the other persons interested in s<sup>d</sup> Lands are desirous of selling it. And Praying that he may be empowered to sell the said

Legislative  
Records of the  
Council,  
xxvii., 284.

House Jour-  
nal, pp. 118, 193,  
196, 203.



Minors interest in said Land and to execute a legal deed thereof to the purchaser or purchasers.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered in his said capacity to sell said Minors Right in the Land mentioned in the Petition to the best advantage and join with other owners of s<sup>d</sup> Land in giving a good deed or deeds of the same to the purchaser or purchasers, and put the money arising therefrom to interest on good security, and give caution to the Judge of Probate for Suffolk County that both principal and interest be paid to said Minors viz<sup>t</sup> to the Male when he shall arrive at lawful age, and to the Female when they<sup>1</sup> shall respectively arrive at lawful Age or day of marriage. [*Passed February 29.*<sup>2</sup>]

## CHAPTER 201.

RESOLVE IMPOWERING BENJ<sup>A</sup> WISER, INDIAN, ADM<sup>S</sup>, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 244.  
Mass.  
Archives,  
xxxiii., 421.

House Jour-  
nal, pp. 93, 185,  
186. Province  
Laws, li., 151,  
chap. 10; xvi.,  
209, chap. 6;  
241, chap. 76,  
note.

A PETITION of Benjamin Wiser Indian planter of Worcester Admin<sup>r</sup> of the Estate of Samuel Tobumso of Natick Setting forth, That there remains of the Estate of the said Samuel about six Acres and a half of Land unsold; that he is Heir to a part of the same and has an Execution now out against him. And praying that he may be impowered to sell the said Land; he to be accountable.

[Read and]

*Resolv'd* that the Prayer of this Petition be granted and that the Petitioner be and hereby is impowrd in his Said Capacity under the Direction of the Guardians of the Natick Indians to make Sale of the Lands within mentiond and give a good Deed or Deeds thereof to the Purchaser or Purchasers of the Same he Observing the Rules and Directions of the Law for selling Real Estates by Executors and Adm<sup>rs</sup> and giving Caution to the Judge of Probate of Wills &c for the County of Middlesex that the Money arising from Said Sale besides what belongs to the Petitioner Shall be paid into the Hands of the Guardians for the Natick Tribe of Indians for the use And Benefit of the Other Heirs to the Said Land. [*Passed March 1.*]

## CHAPTER 202.

RESOLVE CONFIRMING THE APPOINTMENT OF A COLLECTOR OF TAXES IN THE TOWN OF STOUGHTON.

Legislative  
Records of the  
Council,  
xxvii., 261.

House Jour-  
nal, pp. 124, 125.

A PETITION of Benjamin Bird and Others Selectmen of Stoughton Setting forth That Seth Pierce who had been Collector of Taxes in s<sup>d</sup> Town for divers years is reduced in his circumstances and incapable of collecting the Rates committed to him for the years 1763-64-65 and 66 there being considerable Arrearages still

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is March 4.



due for said years. And praying that James Hawks Lewis the present Collector of Taxes for said Town may be impowered to compleat the Collections for the several years beforementioned.

Read and

*Resolved* That the prayer of the Petition be granted and that the within named James Hawks Lewis chosen by the Town of Stoughton a Collector in the room of Seth Pierce be and hereby is authorized and impowered to finish and compleat the collections of the Taxes that remain unpaid on the several Rate Bills committed to the said Seth Pierce to collect in the years 1763-1764-1765 & 1766 and pay in the same accordingly to the respective Treasurers as soon as may be. [*Passed March 1.*]

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## CHAPTER 203.

RESOLVE IMPOWERING JON<sup>A</sup> BATCHELDER, GUARDIAN, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jonathan Batchelder of Beverly Guardian of Samuel Kimball and Phœbe Kimball Minors two of the Heirs of Benj<sup>A</sup> Kimball late of Wenham dec<sup>d</sup> Intestate Setting forth That the deceaseds Personal Estate, it is supposed will not nett more than Forty or Fifty pounds: that he died seized of a Real Estate apprized at Five hundred eighty eight pounds 6/8. That he left three other Children who are of age and desirous of selling their interests in said Estate which lies in six several parcels lying partly in Ipswich and partly in Wenham. That the Estate would not fetch near so much in case of a Division as it will intire, and that the Interest of the money it will sell for, will be double the produce of the Rents. And praying that he may be impowered to make Sale of the two sixth parts of the said Estate belonging to the two minors aforesaid.

[Read and]

*Resolved* That the Petitioner be and he hereby is impowered to sell and dispose of the Interest of the minors withinmentioned in the Estate withinmentioned for the most the same will fetch, and execute a deed thereof to the purchaser, He observing the rules of the Law for the Sale of Real Estate by Executors and Admin<sup>rs</sup> and giving Bond to the Judge of Probate for the County of Essex that the proceeds of said Sale be secured for the benefit of the said Minors. [*Passed March 1.*]

Legislative  
Records of the  
Council,  
xxvii., 261.

House Jour-  
nal, pp. 172, 194.  
Province  
Laws, ii., 151,  
chap. 10.

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## CHAPTER 204.

RESOLVE CONFIRMING A PLAN OF 500 ACRES OF EQUIVALENT LAND TO SAM<sup>L</sup> WATTS, ESQ<sup>S</sup>, & OTHERS.

SAMUEL WATTS ESQ<sup>S</sup> and Others returned a Plan of 500 Acres of Land granted them on the 12<sup>th</sup> of March 1767 bounding South on a Grant made to Dwight and Worthington and Others Proprietors of N<sup>o</sup> 3 partly and partly on Province Lands and partly on a Grant made to Mess<sup>rs</sup> Story Dawes and Peter Roberts; East on said Dawes's

Legislative  
Records of the  
Council,  
xxvii., 262.

House Jour-  
nal, pp. 126, 127,  
194, 195, 205.

*Ante*, p. 211,  
chap. 212.

Grant partly, and partly on Province Land, North and West on Province Land; Surveyed and laid out in the unappropriated Lands North of Williamsburgh in the County of Berkshire.

ϕ NATH<sup>L</sup> DWIGHT Surveyor.

[Read and]

*Resolved* that the annexed Plan of five hundred Acres of Land delineated and described as it is set forth therein be accepted and hereby is confirmed to Samuel Watts Isaac Royall, Thomas Hubbard, James Otis, John Chandler, Joseph Wilder and Caleb Dana Esq<sup>rs</sup> and to John Erving Esq<sup>r</sup> the Assignee of Isaac Freeman and to the Heirs of Thomas Hancock Esq<sup>r</sup> Assignee of Joseph Richards the present Proprietors of Royalston, their Heirs and Assigns in lieu of and in full satisfaction for their loss of Four hundred acres of Land claimed by Samuel Hunt and others Provided said Plan doth not exceed the quantity of five hundred Acres, nor interfere with any former Grant. [*Passed March 1.*]

## CHAPTER 205.

Legislative  
Records of the  
Council,  
xxvii., 263.  
Mass.  
Archives,  
lxvi., 429.

ORDER DIRECTING THE COMMITTEE APPOINTED FOR BUILDING PLYMOUTH LIGHT HOUSE TO BUILD THE SAME ON THE GURNET NEAR THE HARBOUR.

Legislative  
Records of the  
Council,  
xxvii., 244.  
House Jour-  
nal, pp. 151, 154,  
189, 203, 211.  
Province  
Laws, iv., 1004,  
note. *Ante*,  
p. 311, chap.  
188.

*Ordered* that the Committee appointed to build a Lighthouse near Plymouth Harbour be & hereby are directed & impowred to build an House for that Purpose on the Gurnet near Plymouth Harbour of the following Dimensions viz thirty feet long, twenty feet high and fifteen feet wide; with a Lanthorn at each End, to be large enough for two Lamps with four large Wicks in each Lamp: The House to be built of Wood, and the Materials for the Lanthorns as usual. And the Committee are further impowred to agree with the Owner of the Land at the Gurnet for the Privilege of building a house there, & take Security for such Privilege. [*Passed March 1.*]

## CHAPTER 206.

ORDER ACCEPTING THE REPORT CONCERN<sup>d</sup> SALE OF MORTGAGE LANDS IN COUNTY OF PLYMOUTH, AND DISCHARGING THE COMMITTEE OF MONEY AND BONDS DEPOSITED WITH THE PROVINCE TREASURER.

Legislative  
Records of the  
Council,  
xxvii., 263.  
Mass.  
Archives,  
xlvi., 564.

THE COMMITTEE appointed by the Great and General Court Feb<sup>y</sup> 12. 1766 to make sale of such of the Province Lands as were forfeited to said Province in the £100,000 Loan in the County of Plymouth and by Order of said Great and General Court February 11<sup>th</sup> 1767 after they had reported were Ordered to sit again and finish the whole affair, have attended that Service and beg leave to report as follows viz<sup>t</sup>

Mass.  
Archives,  
xlvi., 563.  
House Jour-  
nal, pp. 125, 185,  
188, 204. *Ante*,  
p. 95, chap. 198;  
p. 212, chap.  
216.

That as to the Lands Mortgaged by Timothy Stetson dec<sup>d</sup> and afterwards sold to Ebenezer Hathaway and Benj<sup>a</sup> Greenell of Free-town, they appeared and resigned part of the Lands which the Committee disposed of to Joseph Harris and have taken Bonds of said Hathaway, Greenell and Harris with Sureties for the whole of the

Money principal and Interest due to the Province: And with regard to the Lands Mortgaged by Isaac Barker of Pembroke the Heirs of the said Barker appeared and gave Bonds for both principal and Interest of what appeared to your Committee due on said Mortgage. And as to the Land in Rochester Mortgaged to Joseph Prince and since sold to John Pitcher and Joseph Hoskins, we have also settled with them and taken their Bond for what we could prevail with them to pay. Your Committee have discharged the several Mortgages mentioned and the Bonds which are taken to the Province Treasurer, together with the Money received have delivered to said Treasurer which is as follows viz<sup>t</sup>

Cash Received of Ebenezer Hathaway . . . . .	£2. 8
One Bond of ditto . . . . .	26. 12
One Bond of Benjamin Greenell . . . . .	13. 13. 4
One Bond of Joseph Harris . . . . .	33. 6. 8
One Bond of Prince Barker . . . . .	16. 16. 4
One Bond of Samuel Gould . . . . .	8. 3. 2
One Bond of Nathaniel Little . . . . .	4. 1. 7
One Bond of said Pitcher and Hoskins . . . . .	8
	<hr/>
	£113. 1. 1

And your Committee after the most careful and diligent Search can find no other Lands Mortgaged in said Loan, but what are discharged and the monies due to the Province paid. All which is humbly submitted

GAMALIEL BRADFORD By Order

N.B. The above Bonds are payable the 3<sup>d</sup> of Novem<sup>r</sup> next.

Read & accepted

And

*Ordered* That the Committee be discharged of the money and Bonds which they have delivered to the Province Treasurer. [*Passed March 1.*]

## CHAPTER 207.

RESOLVE IMPOWERING AMARIAH BIGLO, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Amariah Biglo of Shrewsbury Guar<sup>d</sup> of Solomon Flagg a person Noncompos mentis Setting forth, That the said Solomon is possessed of about fifty Acres of unimproved Land in Brookfield and one Moiety of thirteen Acres lying in Shrewsbury in common with his Brother Jotham Flagg. And as the said Solomon is incapable of maintaining himself and the Lands bring in nothing, so that the Petitioner is in advance for him Praying that he may be impowered to make Sale of the said Lands for the benefit of the said Solomon.

[Read and]

*Resolved* That the prayer of the foregoing Petition be granted and that the Petitioner is hereby impowered in his said capacity as Guardian, to make Sale of the Premises for the most the same will fetch, and to make and execute a good deed or deeds thereof in Law he observing the Rules of Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving proper caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale be put on Interest for the use and benefit of the within named Solomon Flagg so long as he shall remain Noncompos, and in case he

Legislative  
Records of the  
Council,  
xxvii., 245.

House Jour.  
nal, pp. 115, 186,  
187, 204. Prov.  
ince Laws, ii.,  
151, chap. 10.

should be restored to his right mind, that then the principal Sum or so much thereof as shall not necessarily be expended for his support be paid to him or otherwise to his lawful Heirs at his decease.  
[*Passed March 2.*]

## CHAPTER 208.

### RESOLVES RELATING TO THE NEW YORK LINE.

Legislative  
Records of the  
Council,  
xxvii., 266.  
Masse.  
Archives, iv.,  
291.

House Jour-  
nal, p. 208.  
Province  
Laws, i., 1.  
*Ante*, p. 291,  
chap. 140.

*Resolved*, That this Province hath at all Times treated that of New York "with Candor and Generosity:" and from the Moment his Majesty's Pleasure graciously recommending an amicable Settlement was signified by one of his Majesty's principal Secretary's of State; this Business on the Part of Massachusetts Bay, has in all Respects been conducted on the Principles of Equity and Moderation: It seems therefore very extraordinary, that the assembly at New York should so suddenly conclude, that "all Hopes of a friendly agreement will be frustrated" by a *Proviso* in the last Resolves here, Viz<sup>t</sup> "That Nothing shall be understood to prejudice the Right of this Province to Lands to the Westward of the Province of New York." This Province has made no new nor immoderate Claim. The *Proviso* objected against may be fully vindicated by the Charter of this Province. It thence plainly appears that the Proprietors of Massachusetts Bay purchased of the Council of Plymouth, and have confirmed to them with Jurisdiction all the Land within the North and South Limits of the ancient Colony of Massachusetts-Bay, from the Atlantic Ocean to the South Sea: Such Lands only excepted, as were in the Possession of any Christian Prince or State. on the third Day of November A:D: 1620. Grants indeed have been made by the Crown of Lands, which probably in Part, or in the whole, may fall within the Limits of this Province. But when it is considered that such Grants are posterior to the Charter of Massachusetts, it may well be questioned if they are not so far void. But should the Right of New York to any Part of the Lands West of Hudsons River from equitable Considerations be admitted; Yet as that Province can make no Pretence to a Western Boundary of equal Extent to that of Massachusetts Bay, they can with no Propriety object to the said *Proviso* made here which amounts to no more than that in a Settlement of the controverted Eastern Boundary of New York, the Massachusetts Title to Lands lying West of the Province of New York shall not be affected. The Controversy between this Province and New York having hitherto been confined to the Eastern Boundary of New-York, that Boundary cannot be affected by the said *Proviso*: Whereas had this Claim been passed over in Silence, it might have been prejudicial to this Province at some future Period, and the inserting it could do no possible Harm. This Province have never been anxious to extend their Claims to vast Tracts of uncultivated Country, nor have they ever cantoned out the Province into Manors and Lordships, to lie Dormant and useless to the Community. On the Contrary, it has ever been the Practice of y<sup>e</sup> Government to grant Lands to such of its Inhabitants as would undertake effectually to settle the same. No good Cause can at present be assigned why this Province should relinquish their Title and Claim to the Lands West of Hudsons River to the Government or Proprietors of any particular Colony: Yet as it may be

in his Majesty's gracious Intention to settle divers new Colonies in the Western Parts of this Continent; and as it is manifestly for the common Good of the British Empire, that the Limits of the several Colonies should be ascertained: In Order therefore to demonstrate not only the Duty and Loyalty of this Province in conforming to his Majesty's Pleasure, but to give a full Proof of their Moderation and Candor, intreating with their Sister Colonies in general, and with New York in particular; and to remove every Difficulty in the Way of an equitable Settlement of the Western Boundary between this Province and New York:

It is further

*Resolved*, That this Province stands ready to surrender and relinquish to his Majesty his Heirs and Successors all Right, Title and Estate, Jurisdiction and Property in or over any, and all the Lands to the Westward of Hudsons River, on the amicable Settlement of the Eastern Boundary aforesaid, and the Confirmation thereof by his Majesty in Council And as this Court are still disposed to finish this Controversy with New York in the most amicable Way, and to comply with every reasonable Proposal on the Part of New York:

It is further

*Resolved*, That the Commissaries on the Part of this Government, be fully empowered by an Act or Law to be passed for that Purpose, to continue the Conference with the Commissaries on the Part of New York, at such Time and Place as they shall mutually agree upon; and to make a final Settlement of the Boundary between the two Provinces: and that his Excellency the Governor be desired to transmit a Copy of these Resolves to his Excellency Governor Moore.  
[*Passed March 2.*]

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## CHAPTER 209.

RESOLVE GRANTING 1,600 ACRES OF EQUIVALENT LAND TO EBENE<sup>R</sup> HARTSHORN AND OTHERS.

A PETITION of Ebenezer Hartshorn of Concord Setting forth That he formerly served in the Wars against the French and Indian Enemy, particularly in the years 1709 and 10 and afterwards in the year 1722, in consideration of which the General Court was pleased to make a Grant of Lands to him with others who had thus served; besides which he bought the Rights of several of his fellow Soldiers; and the Lands that were laid out to satisfy this Grant were afterwards by the running of the Line taken into New Hampshire, and by that means lost to the Grantees, in lieu whereof he was to have four Rights of 400 Acres each in a Township granted by the House of Representatives in 1765 to be laid out on the East of Saco River, which Grant not passing the whole Court, he has as yet had no equivalent. And praying Relief

[Read and]

*Resolve'd* that there be and hereby is granted to the Petitioner his Heirs and Assigns forever Sixteen hundred acres of the unappropriated, Lands in this Province; Or five hundred acres in the western parts of this Province at his Ellection, in full Consideration of his Services Sufferings, and Purchase, in his Petition mention'd — four Hundred Acres in his Own right, four hundred Acres in the right of Peter Hunt four hundred Acres in the right of Lazarus

Legislative  
Records of the  
Council,  
xxvii., 268.  
Mass.  
Archives,  
xli., 568.  
Mass.  
Archives,  
xli., 565.  
Legislative  
Records of the  
Council, xxvi.,  
72. House  
Journal,  
pp. 150, 168, 201.



Mansfeild & four hundred Acres of William Mansfeild provided he the said Hartshorne or his Heirs &c Return a plan thereof to this Court Taken by a surveyor & chainmen under Oath in Twelve months from this day for Confirmation. [*Passed March 2.*]

## CHAPTER 210.

### RESOLVE IMPOWERING PATTY PEGUN, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xxvii., 274.  
Mass.  
Archives,  
xxxiii., 419.

Mass.  
Archives,  
xxxiii., 418.  
House Jour-  
nal, pp. 26, 47,  
133. Province  
Laws, xvi., 241,  
chap. 76, note.

A PETITION of Patty Pegun of Natick Indian Woman Setting forth, That she sometime since with the consent of the Indian's Guardians made sale of a Lot of Land in Natick containing eleven Acres and four rods, with the proceeds of which she discharged her debts, but to her surprize it afterwards appeared that the said Land belonged to Esther Freeborn and Mary Hurd, the amount whereof was £23.6.8. And Praying that she may be impowered to sell so much of her unimproved Lands in Natick as shall be sufficient to raise the said Sum of £23.6.8 and charges of sale, the proceeds to be applied to compensate for the Sale of the said Lot under the directions of the said Guardians.

[Read and]

*Resolved* that the Prayer of the Petition be granted, and that Patty Pegun, the Petitioner, be & hereby is impowered, with the Advice & Direction of the Guardians of the Natick Indians, to make Sale of so much of her Land in said Natick, not under Improvement, as will amount to the Sum of 23.6.8 and Charges of Sale, and to make and execute a good Deed or Deeds in the Law of the same; and that the Proceeds of the Sale be applied by the said Guardians for the Purpose mentioned in the Petition. [*Passed March 3.*]

## CHAPTER 211.

### VOTE ALLOWING THE ACCOUNT OF THE GUARDIANS OF Y<sup>E</sup> DUDLEY INDIANS.

Legislative  
Records of the  
Council,  
xxvii., 278.  
Mass.  
Archives,  
xxxiii., 463.

House Jour-  
nal, p. 206.  
Province  
Laws, xvi., 241,  
chap. 76, note;  
693, chap. 283;  
xvii., 307,  
chap. 184.

AN ACCOUNT of the Guardians of the Dudley Indians was laid before the Court, Signed EDWARD DAVIS & the Guar<sup>ds</sup>

Which Account having been examined by a Committee, they reported thereon That they had examined the same and find them right cast & well vouched, and that they have received of the said Indian's Money the Sum of Eighty six pounds since March AD 1763 and have paid out for their use and benefit to sundry Doctors Bills, Nurses, Provisions &c &c. the Sum of Ninety one pounds, sixteen shillings and one penny; so that the said Guardians are in advance the Sum of Five pounds, sixteen shillings and one penny lawful money.

Read & accepted. [*Passed March 3.*]



## CHAPTER 212.

ORDER ALLOWING A COPY OF THE PROVINCE LAWS TO PHILLIPSTOWN.

*Ordered* that the Inhabitants of a place lately called Phillipstown<sup>1</sup> & now incorporated be servd with a Set of the Province Law Book & the Printers are directed to deliver the same accordingly. [*Passed March 4.*]

Legislative  
Records of the  
Council,  
xxvii., 282.  
Mass.  
Archives,  
lviii., 576.  
House Jour-  
nal, p. 209.

## CHAPTER 213.

RESOLVE IMPOWERING THE ASSESSORS OF THE TOWN OF WINDHAM TO ASSESS A TAX OF ONE PENNY PER ACRE AND TO CHOOSE TWO COLLECTORS THEREOF.

A PETITION of the Town of Windham Praying liberty to Assess on the 100 Acre Lots in said Town not otherwise Taxed one penny yearly ~~per~~ Acre to help defrey the charges of said Town

[Read and]

*Resolved* That the Assessors of the said Town of Windham for three years next ensuing be authorized and empowered to assess yearly one penny ~~per~~ acre on every hundred acre Lot in said Town of Windham not otherwise taxed, except ministerial and School Lands That the said assessors be empowered to enforce the payment of such Tax by legal Sale of so much of the delinquent Lands as shall be necessary to pay the said Tax and Charges thereupon arising; and that the said Town be empowered in their March meetings for the said three years next coming to chuse two Collectors, one of them to be an Inhabitant of Marblehead. That one half of the money raised by said Tax be paid into the hands of the Treasurer of the said Town of Windham to be by them applied to the paying the minister and other Town Charges; the other half to be paid into the Proprietors Treasury to be by them applied to the opening & making passable such ways as still remain in a Wilderness State. [*Passed March 4.*]

Legislative  
Records of the  
Council,  
xxvii., 283.  
Mass.  
Archives,  
cxviii., 349.

Legislative  
Records of the  
Council,  
xxvii., 12.  
House Jour-  
nal, pp. 16, 109,  
211. Province  
Laws, iv., 1046,  
note.

## CHAPTER 214.

RESOLVE REFERRING WITH STAY OF EXECUTION THE PETITION OF SAM<sup>l</sup> WILLIAMS FOR A REBATE ON EXCISE TAX.

A PETITION of Samuel Williams of Roxbury Setting forth That having obtained a License for the retailing Spirituous Liquors, he on the 3<sup>d</sup> day of August 1764 recognized with Sureties for the due payment of the Excise; that he unfortunately by removing as he apprehends lost his Papers & Accounts whereby he was rendered unable to Account upon Oath for the quantity by him sold; and the Collector of Excise thereupon sued him, and he being at the time of the Courts sitting out of the Province recovered of him the Sum of £61.6.8 with costs. And Praying relief.

[Read and]

*Resolved* That the prayer of the Petition be so far granted that

Legislative  
Records of the  
Council,  
xxvii., 283.  
House Jour-  
nal, pp. 207, 209.

<sup>1</sup> Now Sanford, Maine.

it be referred to the next May Session, and Execution be stayed in the mean time: and that the Petitioner give security to the Sheriff of the County of Suffolk that he will pay such Sums as shall finally be adjudged due. [*Passed March 4.*]

## CHAPTER 215.

### ORDER IN REGARD TO INSTRUCTIONS TO COMMISSARIES IN SETTLING THE NEW YORK BOUNDARY LINE.

Legislative  
Records of the  
Council,  
xxvii., 286.  
Mass.  
Archives, iv.,  
299.

Mass.  
Archives, iv.,  
298. Legisla-  
tive Records  
of the Council,  
xxvii., 271, 279,  
285. House  
Journal, p. 212.  
*Ante*, p. 216,  
chap. 222;  
p. 322, chap.  
208.

ADDITIONAL INSTRUCTIONS to the Gentlemen appointed Commissaries on the part of this Province for the settlement of the Partition Line with New York.

The General Court by an Act having renewed your power to treat with the Commissaries of New York on the subject of a Partition Line between the two Provinces, You will endeavour to procure a Line as much in favour of this Province as may be: and it is left with you, or the major part of you to agree with the Commissaries of New York upon said Line. Provided however that it be not less favorable to this Province than the Line reported to the King in Council by the Board of Trade in 1757 excepting in regard to the manner of measuring the twenty Miles distance of said Line from Hudsons River, You are permitted, if it should be necessary, to concede that said distance should be measured as on a horizontal Plane, or that allowance be made for the uneven surface of the Country.

You will take care that the Line that may be agreed on be fully and clearly described: and when it shall be run that durable Monuments and a sufficient number of them be erected to ascertain said Line.

In case of Agreement on said Line, You are in conjunction with the Commissaries of New York to prepare a proper state thereof to be laid before his Majesty for confirmation, for which purpose you will cause authenticated Duplicates of said State to be made out for each Province.

You will endeavour to agree on the draft of an Act to be passed by the Legislature of each Province for the Establishment of said Line, and you will take care that it be clearly described in such draft.

You will conform to your former Instructions in every thing wherein these present Instructions & the Act empowering You to treat as aforesaid do not militate with them.

Read & accepted and

*Ordered* that the foregoing Instructions, be the Instructions for the Commissaries on the part of this Province, for the Settlement of the partition Line with New York. [*Passed March 4.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1768.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1768.

HIS EXCELLENCY FRANCIS BERNARD,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

ANDREW OLIVER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

ISAAC ROYALL	}	ESQRS.	TIMOTHY PAINE	}	ESQRS.
JOHN ERVING			ROYALL TYLER		
WILLIAM BRATTLE			JAMES PITTS		
JAMES BOWDOIN			JOHN WORTHINGTON		
THOMAS HUBBARD			SAMUEL DEXTER		
HARRISON GRAY			THOMAS SAUNDERS <sup>2</sup>		
JAMES RUSSELL			JOHN HANCOCK <sup>2</sup>		
THOMAS FLUCKER			JOSEPH GERRISH <sup>2</sup>		
NATHANIEL ROPES			ARTEMAS WARD <sup>2</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

GAMALIEL BRADFORD	}	ESQRS.	SAMUEL WHITE	}	ESQRS.
JAMES OTIS <sup>2</sup>			JERATHMEEL BOWERS <sup>2</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;*

JOHN HILL, NATHANIEL SPARHAWK & JOHN BRADBURY, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JEREMY POWELL, Esq.

<sup>1</sup> See Legislative Records of the Council, xxvii., 292-297.

<sup>2</sup> Thomas Saunders, John Hancock, Joseph Gerrish and Artemas Ward of Massachusetts Bay, James Otis and Jerathmeel Bowers of New Plymouth, elected by the House of Representatives, were rejected by the Governor.

*For the Province, at large:—*

SAMUEL DANFORTH & BENJAMIN LINCOLN, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 25, 1768 to July 1, 1768.*

MR. THOMAS CUSHING, SPEAKER.

### COUNTY OF SUFFOLK.

*Boston*, . . . James Otis, Esq.,  
                   Thomas Cushing, Esq.,  
                   Mr. Samuel Adams,  
                   John Hancock, Esq.  
*Roxbury*, . . . Joseph Williams, Esq.  
*Dorchester*, . . . Mr. Samuel Howe.  
*Milton*, . . . Mr. Jazaniah Tucker.  
*Braintree*, . . . Ebenezer Thayer, Esq.  
*Weymouth*, . . . James Humphry, Esq.  
*Hingham*, . . . Mr. Joshua Hearsey.  
*Dedham*, . . . Samuel Dexter, Esq.  
*Wrentham*, . . . Mr. Jabez Fisher.  
*Brooklyn*, . . . Capt. Benjamin White.  
*Stoughton & Stoughton-ham*, } Mr. Hezekiah Gay.  
*Medfield*, . . . Mr. Eliakim Morse.  
*Medway*, . . . Elisha Adams, Esq.  
*Walpole*, . . . Joshua Clap, Esq.  
*Needham*, . . . Capt. Ebenezer Kingsbury.

### COUNTY OF ESSEX.

*Salem*, . . . William Brown, Esq.,  
                   Peter Frye, Esq.  
*Danvers*, . . . Mr. Samuel Holton.  
*Ipswich*, . . . Capt. Michael Farley,  
                   Doctor John Calef.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Newbury Port*, Benjamin Greenleaf, Esq.  
*Marblehead*, . . . Jacob Fowle, Esq.,  
                   William Bourne, Esq.  
*Lynn*, . . . Mr. Ebenezer Burrill.  
*Andover*, . . . Samuel Phillips, Esq.  
*Beverly*, . . . Capt. Henry Herrick.  
*Rowley*, . . . Humphry Hobson, Esq.  
*Salisbury*, . . . Capt. Nathaniel Currier.  
*Haverhill*, . . . Richard Saltonstall, Esq.  
*Gloicester*, . . . Thomas Sanders, Jr., Esq.  
*Boxford*, . . . Aaron Wood, Esq.

### COUNTY OF ESSEX — *Concluded.*

*Almsbury*, . . . Jonathan Bagley, Esq.<sup>1</sup>  
*Topsfield*, . . . Capt. Samuel Smith.

### COUNTY OF MIDDLESEX.

*Cambridge*, . . . Andrew Boardman, Esq.  
*Charlestown*, . . . Edward Sheaffe, Esq.  
*Watertown*, . . . Mr. John Remington.  
*Woburn*, . . . James Fowle, Esq.  
*Concord*, . . . Capt. James Barrett.  
*Newton*, . . . Capt. Abraham Fuller.  
*Marlborough*, . . . Mr. Samuel Witt.  
*Billerica*, . . . William Stickney, Esq.  
*Framingham*, . . . Joseph Buckminster, Esq.  
*Lexington*, . . . William Reed, Esq.  
*Chelmsford*, . . . Sampson Stoddard, Esq.  
*Sudbury*, . . . John Noyes, Esq.  
*Malden*, . . . Capt. Ebenezer Harn-  
                   den.  
*Weston*, . . . Mr. Abraham Bigelow.  
*Medford*, . . . Stephen Hall, Esq.  
*Hopkinton*, . . . Capt. Joseph Mellen.  
*Westford*, . . . Capt. Jonas Prescott.  
*Groton*,  
*Shirley*, } James Prescott, Esq.  
*Pepperrell*, }  
*Waltham*, . . . Capt. Jonas Dix.  
*Stowe*, . . . Henry Gardner, Esq.  
*Townshend*, . . . Mr. Amos Whitney.  
*Acton*, . . . Capt. Daniel Fletcher.  
*Lincoln*, . . . Mr. Samuel Farrar.

### COUNTY OF HAMPSHIRE.

*Springfield & Wilbraham*, } Josiah Dwight, Esq.,  
                           } Mr. Jonathan Bliss.  
*Northampton & Southampton*, } Joseph Hawley, Esq.  
*Hadley and South Hadley*, } Mr. Enos Nash.

<sup>1</sup> The House Journal, p. 4, adds, "*Bradford*, Benjamin Mulliken, Esq."



COUNTY OF HAMPSHIRE — *Concluded.*

<i>Hatfield</i> , . . .	Hon. Israel Williams,
	Esq.
<i>Westfield</i> , . . .	Capt. John Moseley.
<i>Deerfield &amp;</i>	} Mr. Jonathan Ashley, Jr.
<i>Greenfield</i> ,	
<i>Sunderland</i> , . . .	Capt. Joseph Root.

## COUNTY OF BERKSHIRE.

<i>Sheffield, Great</i>	} John Ashley, Esq.
<i>Barrington &amp;</i>	
<i>Egremont</i> ,	

## COUNTY OF WORCESTER.

<i>Worcester</i> , . . .	Mr. Joseph Bigelow.
<i>Lancaster</i> , . . .	Capt. Asa Whitecomb.
<i>Brookfield</i> , . . .	Jedediah Foster, Esq.
<i>Oxford &amp;</i>	} Edward Davis, Esq.
<i>Charlton</i> ,	
<i>Sutton</i> , . . .	Capt. Henry King.
<i>Rutland District &amp;</i>	} John Murray, Esq.
<i>Oakham</i> ,	
<i>Leicester, Spen-</i>	} Capt. John Brown.
<i>cer &amp; Paxton</i> ,	
<i>Westborough</i> , . .	Capt. Stephen Maynard.
<i>Shrewsbury</i> , . .	Artemas Ward, Esq.
<i>Lunenburg &amp;</i>	} Edward Hartwell, Esq.
<i>Fitchburgh</i> ,	
<i>Uxbridge</i> , . . .	Capt. Ezekiel Wood.
<i>Bolton</i> , . . .	John Whitcomb, Esq.
<i>Sturbridge</i> , . .	Moses Marcy, Esq.
<i>Hardwick</i> , . . .	Timothy Ruggles, Esq.
<i>Petersham</i> , . .	John Chandler, Jr., Esq.

## COUNTY OF PLYMOUTH.

<i>Plymouth</i> , . . .	James Warren, Esq.
<i>Scituate</i> , . . .	Mr. Gideon Vinall.
<i>Duxbury</i> , . . .	Capt. John Wadsworth.
<i>Marshfield</i> , . .	Capt. Anthony Thomas.
<i>Bridgewater</i> , . .	Josiah Edson, Esq.
<i>Middleborough</i> ,	Capt. Benjamin White.
<i>Rochester</i> , . . .	Mr. Samuel Sprague.
<i>Plimpton</i> , . . .	Mr. Isaac Bonney.
<i>Pembroke</i> , . . .	Mr. John Turner.
<i>Kingston</i> , . . .	William Sever, Esq.
<i>Abington</i> , . . .	Capt. Woodbridge
	Brown.

## COUNTY OF BARNSTAPLE.

<i>Barnstable</i> , . . .	Hon. James Otis, Esq.
<i>Yarmouth</i> , . . .	David Thacher, Esq.
<i>Sandwich</i> , . . .	Mr. Stephen Nye.
<i>Eastham &amp;</i>	} Willard Knowles, Esq.,
<i>Wellfleet</i> ,	
<i>Harwich</i> , . . .	Elisha Doane, Esq.
	Esq.
<i>Falmouth</i> , . . .	Capt. Joseph Robinson.
<i>Chatham</i> , . . .	Mr. Joseph Doane.

## COUNTY OF BRISTOL.

<i>Taunton</i> , . . .	Mr. Joseph Tisdale.
<i>Rehoboth</i> , . . .	Capt. James Clay.
<i>Swansey with</i>	} Jerathmeel Bowers, Esq.
<i>Shawamet</i> ,	
<i>Dartmouth</i> , . .	Mr. Walter Spooner.
<i>Attleborough</i> ,	Mr. John Dagget.
<i>Freetown</i> , . . .	Mr. Thomas Durfee.
<i>Norton</i> , . . .	Mr. George Wheeten.
<i>Raynham</i> , . . .	Zephaniah Leonard, Esq.

## YORK COUNTY.

<i>York</i> , . . .	Jonathan Sayward, Esq.
<i>Kittery</i> , . . .	James Gowen, Esq.
<i>Wells</i> , . . .	John Wheelwright, Esq.
<i>Berwick</i> , . . .	Benjamin Chadburn,
	Esq.
<i>Arundel</i> , . . .	Thomas Perkins, Esq.
<i>Biddeford</i> , . .	Mr. Abraham Chase.

## COUNTY OF CUMBERLAND.

<i>Falmouth &amp;</i>	} Jedediah Prebble, Esq.
<i>Cape Elizabeth</i> ,	
<i>Gorham</i> , . . .	Solomon Lombard, Esq.
<i>Windham</i> , . . .	Mr. Abraham Anderson.
<i>Brunswick</i> , . .	Aaron Hinckley, Esq.
<i>Scarborough</i> ,	Edward Milliken, Esq.

## DUKES COUNTY.

<i>Edgarton</i> , . . .	Mr. William Jernigan.
<i>Chilmark</i> , . . .	Mathew Mayhew, Esq.
<i>Tisbury</i> , . . .	James Athern, Esq.

## IN THE COUNTY OF NANTUCKET.

<i>Sherburn</i> , . . .	Mr. Stephen Hussey.
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# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1768.

## CHAPTER 1.

RESOLVE IMPOWERING FRANCIS RITTAL TO COLLECT TAXES IN THE  
TOWN OF POWNALBOROUGH.

A PETITION of Jonathan Williamson, and Thomas Rice two of the Selectmen of Pownalborough, in behalf of Francis Rettal chosen Collector of Taxes, assessed on the Inhabitants of the Western part of said town AD 1765 Setting forth That Exceptions have been taken to the said Choice as illegal, and that great Mischiefs & inconveniences are like to accrue, unless this Court should interpose their aid And praying that the Choice of said Rittal, as Collector aforesaid may be established & confirmed & that he may be impowered, if need be to distrein, in order to perfect his Collection, or that they may be otherwise relieved.

[Read and]

*Resolved* that the Prayer of the above Petition be so far granted, that the above named Francis Rittal be, and hereby is fully impowered to collect the taxes committed to him to collect, for which he has a lawful Warrant or Warrants & pay the same as therein directed, any supposed defect in his Choice notwithstanding. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xxvii., 303.

House Jour-  
nal, p. 15.  
*Ante*, p. 149,  
chap. 74.

## CHAPTER 2.

ORDER OF NOTICE ON THE PETITION OF NATH<sup>L</sup> CHAPIN OF ASHFIELD  
IN REGARD TO A MINISTERIAL TAX.

A PETITION of Nathaniel Chapin & others of Ashfield, formerly called Huntstown, Setting forth That they early settled in said town, and before the last war, they built a Fort and defended themselves, at little Expence to the Government: that being Anabaptists they settled a Minister of the same perswasion, and were about building a Meeting house; but that other Settlers of a different perswasion coming in have obtained a Vote to build another Meeting house, & settle another Minister, towards which they have taxed the Petitioners & their Ministers. And praying relief

Read &

*Ordered* that the Petitioners notify the Town & Proprietors of Ashfield by serving the respective Clerks with a Copy of the petition to shew Cause on the second Wensday of the next Sitting of

Legislative  
Records of the  
Council,  
xxvii., 304.  
Mass.  
Archives, xiv.,  
513.

Mass.  
Archives, xiv.,  
512. Legisla-  
tive Records of  
the Council,  
xxvi., 489;  
xxvii., 32.  
House Jour-  
nal, pp. 16, 19.  
Province  
Laws, iv., 1015,  
chap. 5; 1035-6,  
notes.

this Court why the Prayer should not be granted. & that the further Collection of Taxes so far as respects the Petitioners be suspended in the mean time. [*Passed June 1.*]

## CHAPTER 3.

RESOLVE IMPOWERING DEB. LOTHROP, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 305.

House Jour-  
nal, pp. 14, 18.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Deborah Lothrop of Barnstable, Widow Guardian to Rebecca Lothrop & Temperance Lothrop, her Children, and daughters to her late husband Joseph Lothrop of said Barnstable, Cordwainer dec<sup>d</sup> Intestate. Setting forth That in August last the said Temperance died, the Expences that had then arisen for her support being Twenty four Pounds more than her Interest in her father's personal Estate amounted to: and that she hath likewise expended for her daughter Rebecca, Fifteen Pounds, ten shillings & six pence more than her Proportion of said personal Estate: The Accounts whereof have been exhibited to, and allowed by the Judge of Probate for the County of Barnstable And praying that she may be empowered to make sale of so much of the deceased's Real Estate, as shall be sufficient to discharge y<sup>e</sup> s<sup>d</sup> Debts.

[Read and]

*Resolved* that the Prayer of this Petition be granted, and that y<sup>e</sup> Petitioner be, and is in her said Capacity, impowered to make sale of the lands mentioned in said Petition, as shall be sufficient for the purpose aforesaid, for the most the same will fetch, and make a good deed or deeds of the same to the purchaser. She observing the Rules and directions of the law for the sale of Real Estates by Exec<sup>rs</sup> and Administrators, and giving Caution to the Judge of Probate for the County of Barnstable, that the Money arising by the sale of the same lands be applied for the purpose of paying the Debts of the said Minors within mentioned. [*Passed June 1.*]

## CHAPTER 4.

RESOLVE IMPOWERING CHRIST<sup>o</sup> DYER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 306.

House Jour-  
nal, pp. 11, 17.

A PETITION of Christopher Dyer of Bridgwater, Guardian to his Brother John Dyer, a person deaf & dumb Setting forth that the said John is seized of a narrow strip of Land containing about twenty Acres, lying in Braintree, which is no ways fit for a Settlement, but being commodious to the Person who owns on both sides of it, he is willing to give the Value of it: And that the said John hath purchased a Tract of land in Bridgwater suitable for a Settlement, and of greater value. And praying that he may be impowered to sell the said land in Braintree, the produce thereof to be vested in the purchase at Bridgwater.

[Read and]

*Resolved* that the Prayer of this Petition be granted: and that the Petitioner be & hereby is impowered in his said Capacity to make

sale of the said twenty Acres of land lying in Braintree, for the most it will fetch, and to execute a good Deed thereof to the purchaser, he giving Caution to the Judge of Probate of Wills &<sup>c</sup> for the County of Suffolk, that the Monies arising from said sale shall be applied for the purpose mentioned in the Petition. [*Passed June 1.*]

## CHAPTER 5.

### RESOLVE CONFIRMING THE TITLE OF REV. EZRA THAYER TO LAND.

A PETITION of Ezra Thayer of the District of Ware Clerk Setting forth, that in the year 1759, he was ordained to the pastoral Office in said place. That John Read Esq<sup>r</sup> late of Boston deceased, on the 19<sup>th</sup> of Sept<sup>r</sup> 1748, executed a deed in trust, for the use of the first Minister of said District, and his Successor, in pure and perpetual Alms, of One hundred Acres of Land, Viz<sup>t</sup> the 6<sup>th</sup> Lot from the North of the 4<sup>th</sup> Tire of Lots from the East, in the Manor of Peace so called, on which he has spent his Substance but that the Deed given him by a Committee of s<sup>d</sup> District is so framed that he can have no Benefit of said land any longer, than during his Ministry. And further setting forth that the Heirs of the said John Read have since, Viz<sup>t</sup> on the 25<sup>th</sup> day of May 1757, made a Deed of one other Lott of land in the said District for the same uses and purposes, and in the room of the forementioned Lot, in order that the Petitioner & his heirs might enjoy the Benefit of the first Lot as their own property forever. And praying that the Lot of land given by the said Heirs may be accepted in lieu of the Lot which was given by their said Father, and may be confirmed to him & his heirs forever.

Upon the Petition of Ezra Thayer of the district of Ware Clerk & the deeds accompanying the same it appears that the Hon<sup>ble</sup> John Read Esq<sup>r</sup> late of Boston deceased on the 19<sup>th</sup> of September 1748 for the founding & endowment of a Parish in the ten thousand acres of Equivalent, did give grant convey & confirm Unto Jabesh Olmstead & others the sixth lot & part of the fifth lot lying in a place then called the manor of Peace to have & to hold to them & their Heirs forever, in special Trust & Confidence for the following uses: viz for the use of the first minister of Gods Holy word & Sacraments that shall be chosen there, & there upon be lawfully instituted & ordained to that holy office there, & such his Successors for ever in pure & perpetual alms That after the ordination of the s<sup>d</sup> Ezra over the Church & congregation at s<sup>d</sup> manor of Peace, A Committee of s<sup>d</sup> Parish conveyed s<sup>d</sup> Lands to the s<sup>d</sup> Ezra for a valuable consideration in fee Simple in consequence whereof He built upon s<sup>d</sup> land, cleared & so improved it as that He hath spent his whole substance thereon It further appears that the Heirs of the s<sup>d</sup> John sensible of the unhappy & ruinous circumstance, the s<sup>d</sup> Ezra was brought into as afores<sup>d</sup> from benevolent Principles to the s<sup>d</sup> Ezra & to the district of ware & that their Honoured Fathers design as afores<sup>d</sup> might not in the least be frustrated tho the s<sup>d</sup> Ezra should have the land afore s<sup>d</sup> confirmed unto Him have by Deed given granted & conveyed unto Jacob Cummings & John Davis the Present Deacons of s<sup>d</sup> Church an equivalent or rather more then an equivalent in land, in s<sup>d</sup> district in pure & Perpetual alms for the same uses & purposes as were mentioned in their Fathers Deed as afores<sup>d</sup> Wherefore it is

Legislative  
Records of the  
Council,  
xxvii., 306.  
Mass.  
Archives, xiv.,  
515.

Mass.  
Archives, xiv.,  
514. House  
Journal, pp. 21,  
22.

*Resolved* that the deed of lands mentitioned in s<sup>d</sup> Petition given by Jacob Cummings Edward Dammon & Joseph Scott to the s<sup>d</sup> Ezra bearing date the 14<sup>th</sup> of august 1759 & recorded in the Registry of Deeds for the County of Hampshire Lib 6 Folio 403 shall forever hereafter be held & taken to be effectual & available in Law against the Feoffees named in the deed of the s<sup>d</sup> John Read Esqr in trust as allso against all who may claim from by or under the s<sup>d</sup> Feoffees or any of them & against any Person who may succeed the s<sup>d</sup> Petitioner in the office of a Gospel minister in s<sup>d</sup> district And the Same shall be as good an estate to the s<sup>d</sup> Ezra & his heirs in fee simple as if the said John had conveyed said lands to the s<sup>d</sup> Jacob & others & to their Heirs to their own use. [*Passed June 1.*]

## CHAPTER 6.

### RESOLVE IMPOWERING KEZIAH CUTTING, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 309.

House Jour-  
nal, pp. 15, 17,  
18.

A PETITION of Keziah Cutting of Rutland, Widow Admin<sup>x</sup> of the Estate of her late Husband Absalom Cutting, late of said Rutland Intestate deceased. Setting forth That the said deceased was indebted £123.14.1 more than his personal Estate amounted to. That his Real Estate consisted of about forty Acres of Land with a house and Barn thereon apprized at Two hundred and forty Pounds, in which she has her Dower, or thirds. And praying she may be empowered to make sale of the other two thirds in order to enable her to discharge the said debts.

[Read and]

*Resolved* that the Prayer of this Petition be so far granted, that the Petitioner be, and she hereby is empowered in her said Capacity to make sale of so much of said deceased's Real Estate, where it may be best spared, and with least Prejudice to the Remainder, as shall be sufficient to pay the deceased's just Debts, and the Charge of said sale, and to make & execute a good deed or deeds in law to the purchaser, she giving Caution to the Judge of Probate for the County of Worces<sup>r</sup> that the Money arising by said sale, shall be applied to the purposes herein mentioned. [*Passed June 1.*]

## CHAPTER 7.

### RESOLVE IMPOWERING RUTH AND BATCHELLER BENNET, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 400.

House Jour-  
nal, pp. 11, 19.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ruth Bennet Widow of Cornelius Bennet late of Middleborough deceased and Batcheller Bennet, the said Ruth and Batcheller being Guardians to Theodate Bennet a minor daughter of the said Cornelius Setting forth That the said Minor had one half of a Fulling Mill, Stream and appurtenances set off to her in the division of her Fathers Estate, which Mill is greatly out of repair. And praying that they may be empowered to make Sale of her share in the premises which they apprehend will be greatly to the advantage of the said Minor.



[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioners be and hereby are impowered in their said capacity to make sale of the Premises mentioned in this Petition for the most the same will fetch, and to make & execute a good deed thereof to the purchaser, they observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup> and giving caution to the Judge of Probate for the County of Plymouth that the money arising by said Sale be put to interest for the benefit of the said Minor as mentioned in this Petition. [*Passed June 1.*]

## CHAPTER 8.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

THE FOLLOWING ORDER passed on the Account of Mr John Cotton, Treasurer of the County of Plymouth, which was laid before the Court for Allowance, *Viz*<sup>t</sup>

*Resolved* that the within Account, being right cast, and well vouched, be allowed, and that the Treasurer be discharged of the sum of Two hundred fifty one pounds, seventeen shill<sup>s</sup> & eleven pence that he has paid by order of the Court of Sessions, and that he be futher accountable for a balance of Fifty seven Pounds six shillings & ten pence due to the County, when he shall recieve it. [*Passed June 2.*]

Legislative  
Records of the  
Council,  
xxvii., 312.

House Jour-  
nal, pp. 10, 23.

## CHAPTER 9.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

THE FOLLOWING ORDER passed on the Account of Mich<sup>l</sup> Farley, Treasurer of the County of Essex, which was laid before the Court for Allowance, *Viz*<sup>t</sup>

*Resolved* that the within Account being right cast & well vouched be allowed, and that the Treasurer be discharged of the sum of, Two hundred thirty nine pounds, twelve shillings, that he has paid by order of the Court of Sessions, and that he be further accountable for the sum of Three hundred and Ninety nine pounds, one shilling & seven pence remaining due to the County, when he shall recieve the same. [*Passed June 2.*]

Legislative  
Records of the  
Council,  
xxvii., 312.

House Jour-  
nal, pp. 10, 23.

## CHAPTER 10.

RESOLVE IMPOWERING ISR<sup>L</sup> FELIX, INDIAN, TO SELL REAL ESTATE.

A PETITION of Israel Felix of Middleborough, Indian man & Labourer Setting forth that by reason of Sickness in his family, he is involved in debt, and hath no means of discharging the same, but by the sale of land And praying that he may be impowered to sell an Out lot of ten Acres for that purpose.

Legislative  
Records of the  
Council,  
xxvii., 313.  
Mass.  
Archives,  
xxxiii., 478.

Mass.  
Archives,  
xxxiii., 477.  
House Jour-  
nal, p. 20.  
Province  
Laws, xvii.,  
75, chap. 182.

[Read and]

*Resolved* that the prayer of this petition be so far granted that the petitioner be and he hereby is impowred to make sale of the ten Acre Lot of Land mentioned in this petition, (with the Ade & Assistance of the Guardines within Mentoned) And to make and Execute a good Deed in Law to the purchaser, and the Moneys arising by Said Sail to be applied by said Guardines for the payment of the petitioners just debts. [*Passed June 2.*]

## CHAPTER 11.

### RESOLVE CONFIRMING THE PROCEEDINGS OF A TOWN MEETING AT ATHOL.

Legislative  
Records of the  
Council,  
xxvii., 314.  
Mass.  
Archives,  
cxviii., 354.

Mass.  
Archives,  
cxviii., 351.  
House Jour-  
nal, pp. 22, 24.

A PETITION of Nathaniel Graves one of the Agents for the Proprietors of the town of Athol, in the County of Worcester. Setting forth That the said Proprietors at a Meeting held on the 31 of March last passed, a number of Votes laying out and establishing, sundry Roads & high ways in the said Town as particularly in several Votes passed at said Meeting from N<sup>o</sup> 2. to N<sup>o</sup> 12. inclusive. And praying in the name & behalf of the Proprietors of Athol, that the said Votes may be confirmed, with the Streets & Lanes, as therein laid out and described

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Votes of Said Proprietors at their Meeting in March Last Be and hereby are Confirmed, and that the Lands Granted at Said meeting for Streets and Lanes in Said Town of Athol by Said Proprietors as Described in Said Petition be and hereby are Confirmed to the s<sup>d</sup> Town of Athol for Ever for the Purposes in Said Petition Mentioned. [*Passed June 2.*]

## CHAPTER 12.

### ORDER IMPOWERING CHARLES ROBINSON TO FILE HIS COMPLAINT BEFORE THE SUPERIOR COURT AT FALMOUTH, CUMBERLAND COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 315.

Legislative  
Records of the  
Council,  
xxvii., 122.  
House Jour-  
nal, pp. 28, 29.

A PETITION of Charles Robinson of Cape Elizabeth, praying, that the Justices of the Superior Court may be impowred to affirm a former Judgment obtained by him against James Miller, the Petitioner's neglect in filing his Complaint notwithstanding

Read: and it appearing that James Miller the adverse party has been duly served with a Copy of this Petition, and Order thereon, and no Answer thereto being given in. Therefore

*Ordered* that the Petitioner have liberty to file his Complaint, at the Superior Court next to be holden at Falmouth, in the County of Cumberland, and that the Justices of said Court be, & they are hereby authorized, if they see Cause, to grant to the Petitioner affirmation of the former Judgment, with additional Interest and Costs, the term for granting the same being past notwithstanding. [*Passed June 3.*]

## CHAPTER 13.

ORDER DIRECTING DELIVERY OF A COPY OF THE PROVINCE LAWS  
TO THE DISTRICT OF DOUGLASS.

Legislative  
Records of the  
Council,  
xxvii., 315.

*Ordered* that y<sup>e</sup> Printers be directed to deliver to the District of  
Douglass, a Set of the Province Laws. [*Passed June 3.*]

House Jour-  
nal, p. 26.

## CHAPTER 14.

RESOLVE ALLOWING £14.3.8 TO REV<sup>d</sup> STEPH<sup>n</sup> BADGER.

A PETITION of Stephen Badger of Natick, Clerk, praying an  
Allowance for sundry disbursments on poor Indians there to the  
amount of £14.3.8 as more particularly set forth in a former Peti-  
tion which was under the Consideration of this Court the last year.

Legislative  
Records of the  
Council,  
xxvii., 317.  
Mass.  
Archives, xiv.,  
520.

Read &

*Resolved* That there be allowed & paid out of the Province Treas-  
ury the sum of fourteen pounds three Shillings & Eight pence to  
M<sup>r</sup> Stephen Badger in full for Boarding & taking care of Thankfull  
Figgins & her Son untill y<sup>e</sup> first of June Instant. [*Passed June 6.*]

Mass.  
Archives, xiv.,  
519. House  
Journal, pp. 20,  
95 (1767);  
pp. 26, 28.  
*Ante*, p. 240,  
chap. 30.

## CHAPTER 15.

RESOLVE GRANTING 100 ACRES OF LAND EACH TO EBEN<sup>s</sup> AND JOEL  
TRUMBLE.

A PETITION of Ebenezer Trumble, & Joel Trumble Setting forth,  
that they had settled upon some of the Province Lands lying between  
Blanford & Sandisfield being in a rough uncultivated Country, inso-  
much that it was not only difficult but dangerous travelling therein.  
And praying that they may each of them have a Grant of 100 Acres  
Land, in said place.

Legislative  
Records of the  
Council,  
xxvii., 318.  
House Jour-  
nal, pp. 15, 29.

[Read and]

*Resolved* that there be and hereby is granted to Ebenezer Trumble  
& Joel Trumble each of them in Severalty, their Heirs & Assigns  
forever, One hundred Acres of the Province lands, lying in a place  
called the Greenwoods between Blanford and Sandisfield on the sev-  
eral Spots where the Petitioners now live; to be laid out by a Sur-  
veyor and Chainmen under Oath: the Petitioners each returning a  
Plat of the land granted to this Court, within twelve Months from  
this date for Confirmation, and paying to the Province Treasurer,  
Six Pounds thirteen shillings & four pence each, in Consideration  
for said Lands, or giving good Security to the said Treasurer for  
the same. [*Passed June 6.*]

## CHAPTER 16.

Legislative  
Records of the  
Council,  
xxvii., 319.  
Mass.  
Archives, xlv.,  
511.

## RESOLVE GRANTING £20 TO THE TOWN OF PROVINCETOWN.

Mass.  
Archives, xlv.,  
510.

*Resolved* that there be Granted to the town of Province town the sum of twenty Pounds to Enable them to Hire Preching among them & that the s<sup>d</sup> sum of twenty Pounds be paid out of the Publick tresury & Put into the Hands of the Rev<sup>d</sup> Doctor Joseph Sewall for that Purpose only.<sup>1</sup> [*Passed June 7.*]

## CHAPTER 17.

Legislative  
Records of the  
Council,  
xxvii., 321.  
Mass.  
Archives,  
xxxiii., 476.

ORDER ALLOWING THE ACCOUNT OF THE TRUSTEES OF THE HASSANAMISCO IND<sup>s</sup>.

Mass.  
Archives,  
xxxiii., 475.  
House Jour-  
nal, pp. 10, 16,  
35. Province  
Laws, xvii.,  
269, chap. 104.

ARTEMAS WARD, & TIMOTHY PAINE ESQ<sup>RS</sup> presented an Acco<sup>t</sup> as Trustees for the Hassanamisco Indians

Read, and it appearing that there is resting in the hands of the Trustees of the Hassinamisco Indians on the within Account of Principal the Sum of £581.7.4 And of Interest 19/9<sup>d</sup> Therefore

*Ordered* that the said Trustees be accountable for those Sums. [*Passed June 7.*]

## CHAPTER 18.

## RESOLVE REQUESTING THE GOVERNOR TO SEND BRIEFS THROUGH THE PROVINCE SOLICITING SUBSCRIPTION FOR THE SUFFERERS BY THE FIRE AT MONTREAL.

Legislative  
Records of the  
Council,  
xxvii., 322.  
Mass.  
Archives,  
lxxxvii., 114.

Legislative  
Records of the  
Council,  
xxvii., 311.  
House Jour-  
nal, pp. 25, 33.

The House taking into consideration his Excellency's Message of the 2<sup>d</sup> curr<sup>t</sup> and the Letter accompanying it relating to the calamity brôt on the city of Montreal by the late Fire there and it appearing that their case deserves the Attention of all charitably disposed Persons,

*Resolved*, That his Excellency be desired to send Briefs through out this Province representing the Distress of the Sufferers to the Inhabitants & recommending to them a general contribution for their Releif to be paid into the Hands of the Treasurer of this Province to be transmitted to the Justices of the Peace from whom the said Letter came to be by them distributed among the Sufferers as they in their Discretion shall judge proper. [*Passed June 7.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 19.

RESOLVE GRANTING TO JN<sup>o</sup> PIGEON LICENCE TO SELL STRONG DRINK.

A PETITION of John Pigeon of Newtown Setting forth that the house in which he now dwells, has been for many years past, a licensed house; and that since his removing into it, he hath not only obtained the Approbation of the selectmen of the said town, but of the greater part of its Inhabitants to sell spirituous Liquors therein. But as the time for granting licenses by the Court of General Sessions of the peace is elapsed Praying that two of his Majesty's Justices of the peace for the County of Middlesex may be impowered to grant him a license for that purpose

[Read and]

*Resolved* that the prayer of this Petition be granted, and that two of his Majesty's Justices of the peace for the County of Middlesex Quorum Unus, be and hereby are impowered, if they think proper, to grant license to the Petitioner to be a Retailer of spirituous liquors in the town of Newtown, in the house where he now dwells, or in his Shop contiguous thereto, the remaining part of this year, he having obtained the Approbation of the selectmen of Newtown for that purpose according to law: The said Justices returning a Certificate to the Court of General Sessions of the peace, next to be holden in said County. [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xxvii., 323.

House Jour-  
nal, p. 38.

## CHAPTER 20.

## ORDER DIRECTING DELIVERY OF A COPY OF THE PROVINCE LAWS TO THE TOWN OF WILBRAHAM.

*Ordered* that the Printers be directed to deliver to the town of Wilbraham a Set of the Province Laws.<sup>1</sup> [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xxvii., 325.

## CHAPTER 21.

## RESOLVE IMPOWERING SIMON BROOKS AND SARAH BRIGHAM, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Simon Brooks Guardian of Amariah Brigham, and Sarah Brigham Guardian of Moses Brigham, Minors, Children of Aaron Brigham late of Grafton dec<sup>d</sup> Intestate Setting forth that the said deceased, by his last Will & Testament gave to his said two Sons, all his Right of land in Shrewsbury, called the Leg, to be equally shared between them, and that said land be sold as soon as may be by their Guardians, and the Money put out to use for said Sons And as they doubt their power of executing Deeds for the said land Praying that they may be impowered for that purpose, that so the Will of the Testator may be complied with

[Read and]

Legislative  
Records of the  
Council,  
xxvii., 325.

House Jour-  
nal, pp. 12, 19,  
32. Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> Not found in the House Journal.

*Resolved* that the Prayer of this petition be granted, and that the Petitioners be and are hereby in their said Capacity impowered to make sale of the lands mentioned in the said Petition for the most the same will fetch, and to make a good deed or deeds of the same to the purchaser, they observing the rules and directions of the Law for the sale of Real Estates by Executors & Administrators, and giving Caution to the Judge of Probate for the County of Worcester, and that the Money arising by the said sale be put to Interest for the benefit of the said Minors. [*Passed June 9.*]

## CHAPTER 22.

### RESOLVE IMPOWERING JOHN CHOATE, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 326.

House Jour-  
nal, pp. 24, 40,  
41. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Choate of Ipswich, Admin<sup>r</sup> of y<sup>e</sup> Estate of Daniel Choate late of said Ipswich dec<sup>d</sup> Setting forth that the said Daniel dyed seized of two fifth parts, and two thirds of one other fifth part of about thirty-five Acres of land lying in Common with his three Sisters; that he was indebted about Twenty six pounds, and left no personal Estate wherewith to pay. That the Children of John Pitman deceased, being four in number, and all Minors, are intituled to one sixth part of said Estate; and that Mary Pitman their Mother, & natural Guardian and Admin<sup>r</sup> of the said John is desirous of having their Interest in said Estate sold And praying that as Administrator aforesaid, he may be impowered to sell the whole of the Real Estate of the Heirs aforesaid.

[Read and]

*Resolved* that the Petitioner be, and he hereby is impowered to make sale of all the Real Estate of the deceased in the Petition ment<sup>d</sup> for the most the same will fetch, and to execute a good Deed, or deeds thereof, he observing the directions of the law for the sale of Real Estates by Executors & Administrators, and giving sufficient Caution to the Judge of Probate for the County of Essex that the Proceeds arising by such sale shall be applied to the payment of the just debts of the said deceased, and the Overplus secured for the Benefit of the Heirs. [*Passed June 9.*]

## CHAPTER 23.

### ORDER IMPOWERING JEMIMA MILES TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 327.

House Jour-  
nal, pp. 33, 39,  
40. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jemima Miles, Widow of Joseph Miles late of Shrewsbury Yeoman deceased Setting forth that the said Joseph died siezed of about 112 Acres of land with the Bnildings thereon, lying in Shrewsbury afores<sup>d</sup> in which she hath her Dower: That the Heirs who are of age, are desirous of selling their Shares; and praying that she may be impowered to make sale of such part of said Estate as was sett off to her as her Dower, the proceeds to be put out to Interest for her use during her natural life, and secured for the Benefit of the heirs afterwards.

Read and



*Ordered* that the Prayer of this Petition be granted, and that the Petitioner be, and she is hereby impowered to make sale of the one third part of the tract of land within mentioned for the most the same will fetch, and to make and execute a good deed or deeds of the same, she observing the rules of the Law, relating to the sale of Real Estates, by Exec<sup>ts</sup> and Administr<sup>s</sup> and giving sufficient Caution to the Judge of Probate for the County of Worcester, that the Proceeds arising by said sale be put out on Interest as is within mentioned, that the Petitioner may receive the Interest thereof yearly during her natural life, and that after her death the principal be paid to the Children, and Heirs of the within named Joseph Miles in equal proportion. [*Passed June 9.*]

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## CHAPTER 24.

### ORDER IMPOWERING ASA BRIGHAM, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Asa Brigham, Guardian to Jemima Perce, Millicent Miles, and Keziah Miles, all Minors, and Children of of<sup>1</sup> Joseph Miles, late of Shrewsbury dec<sup>d</sup> Setting forth That the three Minors aforesaid are Hiers to three seventh parts of the said Joseph's Estate, the principal part of which consisted of 112 Acres of Land, and Buildings on the same lying in Shewsbury, which Estate is not capable of a Division, without great Prejudice, and that the Heirs who are of age, are desirous of selling. And praying that he may be impowered to sell the said Minors Interest therein.

Read and

*Ordered*, that the prayer of this Petition be granted; and that the Petitioner be, and he hereby is impowered in his said Capacity, to make sale of so much of the within described Tract of Land and Buildings thereon, as belongs to the said Jemima Millicent and Keziah, Children and Heirs of Joseph Miles within named, for the most the same will fetch, and to make and execute a good deed or deeds of the same, he observing the directions of the law relating to the sale of Real Estates by Executors and Administr<sup>s</sup> and giving sufficient Caution to the Judge of Probate for the County of Worcester, that the Proceeds arising by the said sale be put out on Interest, for the Benefit of the three Children aforesaid, Viz<sup>t</sup> Jemima, Millicent, and Keziah, in equal Shares and Proportions, and that the share and proportion of each of them be paid to them severally, as they shall arrive to the age of Twenty one years, or at the times of their Marriage. [*Passed June 9.*]

Legislative  
Records of the  
Council,  
xxvii., 327.

House Jour-  
nal, pp. 33, 39.  
Province  
Laws, li., 151,  
chap. 10.

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## CHAPTER 25.

### RESOLVE DISCHARGING HENRY BALDWIN AND JN<sup>o</sup> MARTIN FROM LIABILITY ON EXCISE BONDS.

A PETITION of Henry Baldwin of Shrewsbury, and John Martin of Northborough, Inholders Setting forth That they were bound with one Jacob Fisk of Hardwick, who was also licensed: That the

Legislative  
Records of the  
Council,  
xxvii., 328.

<sup>1</sup> *Sic.*

House Journal, p. 38.  
Province  
Laws, iv., 874,  
note.

said Jacob soon after went out of the Province, having as they believe never sold any liquors subject to the Duties of Excise: And as the Collector of Excise cannot by law settle with the Petitioners without the Oath of the said Jacob, which cannot now be procured, Praying for Relief.

In the house of Representatives.

It appearing to this house that Jacob Fisk mentioned in the Petition licensed as a Retailer in the County of Worcester to sell spirituous liquors at August term 1766, did not sell any spirituous liquors after his being so licensed. Therefore

*Resolved*, that the said Henry Baldwin & John Martin, who were bound with the s<sup>d</sup> Jacob Fisk for the payment of his Excise, be and hereby are discharged from the Bond aforesaid. In Council, Read and Concurred. [*Passed June 9.*]

## CHAPTER 26.

RESOLVE GRANTING A TOWNSHIP TO JOSIAH RICHARDSON AND OTHERS.

Legislative  
Records of the  
Council,  
xxviii., 330.  
Mass.  
Archives,  
cxviii., 235.

Mass.  
Archives,  
cxviii., 278.  
House Journal,  
pp. 24, 40.  
Province  
Laws, xii., 252,  
chap. 287.

A PETITION of Josiah Richardson of Sudbury, Agent for a number of Petitioners, whose Ancestors were in the Expedition to Canada, in the year 1690<sup>1</sup> Setting forth. that upon a Petition to the General Court, in y<sup>e</sup> year, 1737, an Order passed that the Petitioners should make out, & prove their Claims, in right of their Ancestors, to a Grant of land from the Government, as other Soldiers, in that Expedition had done, and been accordingly recompenced: that they had accordingly done it; but that no Grant had as yet been made them. And praying that they may now have a Grant of a Township made them.

A list of the Petitioners is as follows, Viz<sup>t</sup>

James Taylor, in his own right  
John Ofland ditto  
John Mixer ditto  
John Jones ditto  
John Green, in the right of William Green  
John Green, in the right of John Green  
Ephraim Twichell, in the right of Joseph Twichell  
Isaac Sheffield, in the right of William Sheffield  
Palmer Goulding, in the right of Edward Clapp  
James Moor, in the right of George Walkup  
Daniel Moor, in the right of Jacob Moor  
Ebenezer Flagg, in the right of Richard Flagg  
Joshua Kibby, in the right of Lodwick Dowse  
James Taylor, in the right of Nicholas Fox  
Nathaniel Morse, in the right of Nath<sup>l</sup> Morse  
Charles Richardson, in the right of Samuel Ring  
Francis Mocke, in the right of Timothy Seyms  
Richard Ward, in the right of Obadiah Ward  
Daniel Brewer, in the right of Daniel Brewer  
Samuel Green, in the right of Joseph Green  
Samuel Stone, in the right of Samuel Stone  
Joseph Stone, in the right of John Parkhurst  
Micah Stone, in the right of Daniel Stone  
John Weson, in the right of Samuel Weson  
Ebenezer Twichell, in the right of Edward Twichell  
Richard Burt, in the right of Thomas Burt  
Daniel MacLaflin, in the right of Robert MacLaflin  
Joseph Meriam, in the right of Robert Meriam  
Peter Grout in the right of John Collier  
Samuel Graves in his own right  
Joseph Trumbal in the right of Joseph Trumbal  
Ebenezer Rice in the right of Ebenezer Rice

<sup>1</sup> Mass. Archives, cxviii., 285; but 1692 in both copies of Legislative Records of the Council.

John Cogin in the right of John Cogin  
 John Cogin in the right of Henry Cogin  
 Caleb Bridges in the right of Joshua Bridges  
 Abner Nuterson<sup>1</sup> in the right of John Fay, claimed by Palmer Goulding  
 John Fay, in his own right, claimed by D<sup>o</sup>  
 Samuel Liscom, in the right of his father  
 Nathaniel Dyke, in his own right, claimed by P. Goulding  
 Daniel Walker, in his own right  
 Daniel Walker, in the right of Thomas Axdlill  
 Ebenezer Corey, in the right of Thomas Corey  
 John Woodward, in the right of Joseph Moore  
 James Paterson, in the right of Andrew Paterson, claimed by Palmer Goulding  
 Amos Hide in the right of Daniel Hide  
 Norman Clark in the right of Daniel Mackey  
 Eben<sup>r</sup> Corey in the right of Samuel Page  
 Peter Bent in the right of Hopestill Bent  
 Edward Ward in his own right  
 James Paterson in the right of Andrew Patterson, claimed by Palmer Goulding  
 Noah Parker, in the right of Elea<sup>r</sup> Hide  
 Benj<sup>a</sup> Parker in the right of Isaac Parker  
 Joseph Barthe in his own right  
 John Clark in the right of John Clark  
 Samuel Paris in the right of Peter Noyes  
 Jonathan Parker in his own right  
 Ezra Holbrook, in the right of John Holbrook  
 Nath<sup>l</sup> Emmes in the right of Nath<sup>l</sup> Emmes  
 Nath<sup>l</sup> Emmes in the right of John Jacquish  
 Isaac Baldwin in the right of Abr<sup>s</sup> Bryant  
 Joseph Harrington in the right of his father Joseph Harrington  
 Daniel Woods in the right of his Uncle — Woods  
 Jesse Rice in right of his father Joseph Rice  
 Moses Bellows in right of his father  
 Sam<sup>l</sup> Whitney in the right of Joseph Beach  
 James Fowle in the right of James Fowle  
 Jonas Bond in the right of Jonas Bond  
 Josiah Fuller in the right of Joseph Winter  
 Tho<sup>s</sup> Herrington in the right of Daniel Herrington  
 Joshua Fuller in the right of Joseph Winter  
 John Temple in the right of his father Richard Temple  
 John Noyes in the room of Moses Noyes  
 Nath<sup>l</sup> Sparhawk in the right of No<sup>l</sup> Sparhawk  
 David Comy in the right of John Comy  
 Samuel Fuller in the right of Richard Park  
 Joshua Fuller in the right of Nath<sup>l</sup> Norcross  
 Joseph Morse in the right of Joseph Morse

[Read and]

*Resolved* that there be granted To Josiah Richardson And others whose Names are mentioned in the Petition herewith Exhibited whose Ancestors were in the Expedition Against Canada in the Year 1690 a Township of the Contents of Six Miles & three Quarters square to be laid out in the unappropriated Lands of this Province to the Eastward of Saco River provided the Grantees within Seven Years Settle eighty Families in s<sup>d</sup> Town build a House for publick Worship And Settle A learned protestant Minister & lay out one eighty third Part for the first Settled Minister one Eighty third Part for the Ministry & one Eighty third Part for the use of the School in s<sup>d</sup> Town & one Eighty third part for the Use of Harvard College for ever Provided also they Return a Plan thereof into the Secretaries Office in twelve Months from the Date Herof for Confirmation. [*Passed June 9.*]

<sup>1</sup> The State Library copy, Legislative Records of the Council, xxviii., 338, reads, "Nuterson."

## CHAPTER 27.

RESOLVE ALLOWING £2. 10 TO SAM<sup>L</sup> KNAP.

Legislative  
Records of the  
Council, 332.  
Mass.  
Archives,  
lxxx., 659.

Mass.  
Archives,  
lxxx., 658.  
House Jour-  
nal, pp. 33, 41.  
Province  
Laws, xvi., 89,  
chap. 199.

A PETITION of Samuel Knap of Kittery Setting forth, that his Brother John Knap was a Soldier, in Cap<sup>t</sup> Tapley's Company, in the pay of the Province, in 1757. who was taken Prisoner at the Surrender of Fort William Henry, and carried to France where he died. That when the Petitioner recieved his Brother's Wages, there was a deduction of fifty shillings for a Province Gun, which he carried out; And praying an Allowance, as it was out of his power to have returned it

[Read and]

*Resolved* that the prayer of the within Petition be granted & that there be allowd & paid out of the publick Treasury to the petitioner the Sum of Two pound ten Shillings in Consideration of the gun mentiod in the Petition. [*Passed June 9.*]

## CHAPTER 28.

## ORDER SETTING OFF EBENEZER PAGE WITH HIS ESTATE FROM THE TOWN OF LEXINGTON TO THE TOWN OF BEDFORD.

Legislative  
Records of the  
Council, 333.  
xxvii., 333.

Legislative  
Records of the  
Council, xxvi.,  
312, 357, 364.  
House Jour-  
nal, p. 45.

THE COMMITTEE appointed the 9<sup>th</sup> of Jan<sup>y</sup> last, on the Petition of Ebenezer Page of Lexington praying to be sett off to Bedford, made report, & thereupon the following Order passed, viz<sup>t</sup>

*Ordered* that the Petitioner with his Lands, agreeable to the following Bounds be & hereby are sett off to the town of Bedford, there to do duty & recieve privilege, Viz<sup>t</sup> beginning at a Maple tree marked, standing in Bedford line, thence running East 33½ Degrees, north 123¾ rods, to the South Corner of Pages Field, on the East side of the road leading to Lexington Meeting house, thence running North 35½ degrees East, 160 Rods, to a Stake & heap of Stones at the Corner of a Wall, being the Northwest Corner of Will<sup>m</sup> Read Esq<sup>r</sup>'s Pasture. [*Passed June 9.*]

## CHAPTER 29.

RESOLVE IMPOWERING ABIGAIL CARTER, ADM<sup>S</sup>, TO RE-CONVEY LAND.

Legislative  
Records of the  
Council, 334.  
xxvii., 334.  
House Jour-  
nal, pp. 32, 41.

A PETITION of Benjamin Osgood of Lancaster Yeoman and of Abigail Carter Widow & Administratrix of y<sup>e</sup> Estate of her late Husband John Carter of said Lancaster Esq<sup>r</sup> dec<sup>d</sup> Setting forth that on the 28<sup>th</sup> of March 1763, the s<sup>d</sup> Benj<sup>a</sup> being indebted to the said John, in the Sum of Eighty Pounds, for security of the same gave to the said John an absolute deed of his farm in said Lancaster, containing seventy eight Acres, which by a writing under his hand, he the said John promised to reconvey, upon the payment of the said Sum with Interest, within two years And praying that she may be impowered to reconvey the said farm upon payment of the principal Sum & Interest, the time limited being elapsed notwithstanding

[Read and]

*Resolved* that the Prayer of the Petition withinmentioned, be so far granted as that the said Abigail Carter be, and hereby is authorized and impowered, in her said Capacity to reconvey the Premises in the Petition mentioned to the within named Benja<sup>n</sup> Osgood, or his heirs, when the said Benjamin shall pay the said Abigail the Sum of Eighty Pounds, with the Interest thereof as in the said Petition mentioned, which Conveyance when made, shall be to all Intents & purposes as effectual to the said Benjamin and his Heirs, as if it had been made by the said John Carter in his life time. [*Passed June 10.*]

## CHAPTER 30.

RESOLVE ALLOWING £3 AND AN ADDITIONAL £3 TO HIS PENSION TO  
ROBT<sup>r</sup> MILLER.

A PETITION of Robert Miller of Sanford, in y<sup>e</sup> County of York Setting forth, that in Consideration of the loss of an Arm at Louisbourg, in the year 1745, he recieved for about twelve years, a Pension of £3 p<sup>a</sup> Annum and that for two years past he has been allowed an additional Pension of three Pounds; and as his health is now much impaired, praying for an additional Allowance

[Read and]

*Resolved* that there be granted and allowed to be Paid out of the Publick Treasury the Sume of three Pounds To Robart Miller the Petitioner for his Present Subsistence and that there be added to his former Pension which was six Pounds, three Pounds making in the whole Nine Pounds to be Paid Annually during the Courts Pleasure to Commence in January next at which Time his former Pension becomes Due. [*Passed June 10.*]

Legislative  
Records of the  
Council,  
xxvii., 335.  
Mass.  
Archives,  
lxxx., 657.

Mass.  
Archives,  
lxxx., 656.  
House Jour-  
nal, pp. 32, 46.  
Province  
Laws, xiv., 145,  
chap. 8; xv.,  
180, chap. 27.  
*Ante*, p. 74,  
chap. 143.

## CHAPTER 31.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER  
COUNTY.

THE FOLLOWING ORDER passed on the Account of John Chandler Esq<sup>r</sup> Treasn<sup>r</sup>er of the County of Worcester, the same being laid before this Court for their Allowance, Viz<sup>t</sup>

*Resolved* that the within Account being right cast & well vouched be allowed; and that the Treasurer be discharged of the sum of Two hundred & Eighty one pounds, eighteen shillings & nine pence, which he has paid by order of the Court of Sessions including his own Commissions, & the tax laid on y<sup>e</sup> town of Woodstock for the year 1767. And that he be further accountable for a Balance, of Two hundred & seventy two pounds, ten shillings and nine pence three farthings, now outstanding; and also for the tax laid on Woodstock, when he shall recieve the same. [*Passed June 10.*]

Legislative  
Records of the  
Council,  
xxvii., 337.

House Jour-  
nal, pp. 49, 50.  
*Ante*, p. 227,  
chap. 1.

## CHAPTER 32.

RESOLVE IMPOWERING JOB SMITH AND HANNAH MARICK, EXECUTORS,  
TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxvii., 341.

House Jour-  
nal, pp. 11, 18,  
36, 51. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of Job Smith and Hannah Marick Executors of the last Will & Testament of Isaac Marick late of Taunton dec<sup>d</sup> Setting forth that the deceaseds Debts amount to £95.15.11½ more than his personal Estate amounts to, that divers Executions are out against said Estate: And praying that they may be impowered to sell so much of the deceased's Real Estate, as may be sufficient to discharge the said Debts

[Read and]

*Resolved* that the Prayer of this Petition be granted, and that the Petitioners be and hereby are impowered in their said Capacities to sell so much of the deceaseds Real Estate as shall be sufficient to pay the said deceaseds just debts and the further charges that may arise in settling s<sup>d</sup> Estate for the most it will fetch, taking the same where it can be best spared and with the least prejudice to what remains; and to make and execute a good deed or deeds of the same in Law to the purchaser or purchasers; they observing the rules given by Law to Executors & Admin<sup>rs</sup> for the Sale of Real Estate, and giving caution to the Judge of Probate for the County of Bristol that the proceeds arising by said Sale be applied to the purposes hereinmentioned. [*Passed June 14.*]

## CHAPTER 33.

RESOLVE IMPOWERING STEPH<sup>n</sup> BADLAM, GUARDIAN, TO JOIN IN SALE  
OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE  
PROCEEDS.

Legislative  
Records of the  
Council,  
xxvii., 342.

House Jour-  
nal, pp. 32, 51.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Stephen Badlam of Dedham Guardian to Stephen, Elizabeth<sup>1</sup> & William Badlam Minors, Children of Stephen Badlam and Hannah his Wife both deceased and Grand Children of the Petitioner Setting forth That the said Minors, together with their Brother Ezra Badlam and Sister Hannah Pierce both of age are siezed in right of their mother of one fifth part of 300 Acres of unimproved Land in Ashburham: that this Court hath already given leave for the sale of two fifths of said Land belonging to the Children of Stephen Clap Minors, and that all others interested in the said Land who are of age, are desirous of selling the same and praying that he may be impowered to join in the sale in the behalf of the said Minors.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be, and hereby is impowered in his s<sup>d</sup> capacity to join with the rest of the said persons interested in the Sale of said Lands, in executing a good deed or deeds in Law to the purchaser or purchasers, he observing the rules given by Law to Exec<sup>rs</sup> and Admin<sup>rs</sup> for the sale of Real Estate, and giving caution to the Judge of Probate for the County of Suffolk that the proceeds arising by said Sale

<sup>1</sup> Abigail? See *infra*, top of p. 349.



may be put to interest and kept for the benefit of said Minors when they shall arrive to full age, or to the said Abigail when she shall arrive to the day of Marriage or to full age. [*Passed June 15.*]

## CHAPTER 34.

RESOLVE IMPOWERING THE JUSTICES OF THE INFERIOR COURT IN THE COUNTY OF PLYMOUTH TO RE-CONSIDER A JUDGMENT.

A PETITION of Thomas Clap and Samuel Cushing Esq<sup>rs</sup> Setting forth, That they brought an Action against Samuel Stoddard of Hingham upon a plain Bond and recovered Judgment against him; but thro' mistake the Judgment was for £4.10.6 short of the just debt, which was not perceived until the Execution was returned satisfied. And praying that the Justices of the Court from whence the execution issued may be impowered to rectify the said Judgment at their next term.

[Read and]

*Resolved* That the prayer of the Petition of Thomas Clap and Samuel Cushing be granted, and that the Justices of the Inferior Court of Common pleas at the next term to be holden in and for the County of Plymouth on the first Tuesday of July be and hereby are impowered to reconsider the Judgment made up by said Justices at an Inferior Court of Common pleas holden at Plymouth on the second Tuesday of April 1767, and to rectify any mistake in said Judgment made up in said Court on a Bond mentioned in said Petition, the Petitioners being Plaintiffs and Samuel Stoddard Def<sup>t</sup>, and award Execution for so much as they the said Justices shall find justly due and still remaining unpaid, the Petitioners to notify the said Samuel Stoddard to be present at said Term if he please, to offer his objection, if any he hath by serving said Stoddard with a Copy of the Petition and Resolve of Court thereon seven days before the sitting of said Court. [*Passed June 15.*]

Legislative  
Records of the  
Council,  
xxvii., 343.

House Jour-  
nal, pp. 31, 53.

## CHAPTER 35.

ORDER DIRECTING DELIVERY OF A COPY OF THE PROVINCE LAWS TO THE DISTRICT OF WELFLEET.

*Ordered* that the Printers be directed to deliver the District of Welfleet a set of the Province Laws. [*Passed June 15.*]

Legislative  
Records of the  
Council,  
xxvii., 344.

House Jour-  
nal, p. 54.

## CHAPTER 36.

ORDER DIRECTING THE IMPOST OFFICER TO SUPPLY PLYMOUTH LIGHT-HOUSE WITH OIL AND OTHER NECESSARIES.

*Order<sup>d</sup>* that the Impost Officer be & hereby is directed to Supply the Light House at Plymouth with oil & other necessaries, till the further order of this Court. upon Application from the Committee appointed to Agree with some meet Person to keep said Light House. [*Passed June 15.*]

Legislative  
Records of the  
Council,  
xxvii., 344.  
Mass.  
Archives,  
lxvi., 437.

House Jour-  
nal, p. 54.  
Province  
Laws, iv., 1005,  
note. *Ante*,  
p. 320, chap.  
205. *Infra*,  
chap. 37.

## CHAPTER 37.

## ORDER APPOINTING A COMMITTEE TO ENGAGE A KEEPER FOR PLYMOUTH LIGHT HOUSE.

Legislative  
Records of the  
Council,  
xxvii., 345.  
Mass.  
Archives,  
lxvi., 436.

House Jour-  
nal, p. 54.  
*Supra*, chap.  
36.

In the House of Representatives

*Ordered* that Coll Warren & Cap Thomas with such as the Hon Board shall joyn be a Com<sup>e</sup> to agree with a meet person to take the Care of the Light house on the Gurnett near Plymouth Harbour, now nearly finishd, to report at the next Session of this Court

And that the said Committee be instructed to prepare a proper Advertisement, to be lodgd at the Impost Office, setting forth that a Light house is there erected, & the Course to steer with Safety on Sight thereof at Sea

In Council Read and Concurred and Gamaliel Bradford Esq<sup>r</sup> is joined in the Affair. [*Passed June 15.*]

## CHAPTER 38.

## ORDER IMPOWERING THE ASSESSORS OF DISTRICT OF CONWAY TO LAY A TAX OF ONE PENNY PER ACRE YEARLY FOR THREE YEARS.

Legislative  
Records of the  
Council,  
xxvii., 316, 346.

Legislative  
Records of the  
Council,  
xxvii., 122.  
House Jour-  
nal, pp. 47, 54,  
58.

A PETITION of Thomas French Agent for the town of Conway, praying for a Tax on the lands in said town, for the purpose of building a Meeting house, & supporting the Gospel,

*Ordered* that there be and hereby is a Tax of one penny <sup>p</sup> Acre yearly for the space of three years laid on all the Lands lying in Conway in the County of Hampshire for the purposes in said Petition mentioned, and that the Assessors and Collectors or Constables of said Conway be and hereby are respectively empowered to assess and Collect the same and in case any of the owners or Proprietors of s<sup>d</sup> Land neglect or refuse to pay their respective Assessments on said Land for sixty days after such Assessment is made and published by posting up the same in some public place in said Conway, and in the shire Town in the County of Hampshire, that then and in such case it shall and may be lawful for the s<sup>d</sup> Assessors to post up in some public place in said Town Notifications of the intended Sale sale<sup>1</sup> of so much and no more of such delinquent Proprietors Lands as they shall judge necessary to pay and satisfy said Taxes and other necessary and intervening charges three months before the same be sold. And also that the said Assessors be obliged for the notification of said Proprietors to advertise in all the Boston News papers three several Weeks the intended Sale at least three Months before the Land be sold, and if any delinquent Proprietors do not by that time pay such Taxes and charges, then and in that case it shall be lawful for the said Assessors at a Public Vendue to sell and execute absolute Deeds in the Law for conveyance of such delinquent Proprietors Lands to the Person or persons who shall give most for the same which deeds shall be good to all intents and purposes in the Law for conveying such Estates to the Grantees their Heirs and Assigns forever; and if the said Lands be sold for more than said Taxes and charges the overplus to be paid to such delinquent Proprietor or his order. [*Passed June 16.*]

<sup>1</sup> Sic.

## CHAPTER 39.

## RESOLVE IMPOWERING SARAH WILLSON TO SELL HER DOWER IN AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Willson Widow of Samuel Willson late of Bedford in the County of Middlesex dec<sup>d</sup> Setting forth That there was set off to her for her dower in her said Husbands Estate one third part of 50 Acres of Land and of one half a Saw Mill and Grist Mill together with part of an old House; that the premises are now greatly out of repair, and she by reason of poverty, old age and illness, unable to make the necessary Repairs: that the other two thirds were lately sold and her Children judge it best that her third should be likewise sold and the interest of the Money applied towards her support. And praying that she may be impowered to sell the same accordingly.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and hereby is authorized and impowered to make Sale of the one third part of the Lands, Mills & other Buildings in the said Petition mentioned for the most the same will fetch, and to make and execute a good and sufficient deed or deeds of the same, she observing the rules of the Law respecting the sale of Real Estates by Executors and Admin<sup>rs</sup> and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds arising by said Sale be put out on interest for the following purposes viz<sup>t</sup> That the Petitioner shall and may receive the interest thereof during her life, and after her death that the principal be paid to the several Heirs according to their respective interests and rights in the premises. [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xxvii., 347.

House Jour-  
nal, pp. 37, 59.  
Province  
Laws, li., 151,  
chap. 10.

## CHAPTER 40.

## RESOLVE GRANTING 100 ACRES OF LAND TO CHILEAB SMITH.

A PETITION of Chileab Smith Setting forth That he settled upon Lands at Huntstown before the last War and during the War, he, with his three Sons defended themselves there: that the Proprietors afterwards laid him out a 100 Acre lot N<sup>o</sup> 50 upon which he hath spent to the amount of £80 in fencing and clearing; but that by a late running of the Lines of said Town now called Ashfield, it appears that said Lot is not within the Township, but that it is Province Land. And praying that for the considerations before mentioned the same may be confirmed to him, as it stands on the Proprietors Book of Records viz<sup>t</sup> the Southwest corner of the Lot N<sup>o</sup> 50 is in the Line of N<sup>o</sup> 18, 60 rods from the NE corner thereof, from which it runs North 19 deg<sup>s</sup> East 100 Rods, thence East 19 deg: South 112 rods 5 feet, thence South 19 deg. West 207 Rods, thence West 19 deg North 52 rods 5 feet, thence North 19 deg East 107 rods, thence West 19 deg: North 60 rods and closed to the first Stake and bounded North and East upon undivided Lands South partly upon N<sup>o</sup> 34 first division Lot and partly upon N<sup>o</sup> 18 second Division, and West partly on said N<sup>o</sup> 18 and partly on undivided Land, in quantity One hundred Acres.

Legislative  
Records of the  
Council,  
xxvii., 348.

House Jour-  
nal, pp. 26, 57.  
Province  
Laws, lv., 815,  
chap. 13; xv.,  
567, chap. 95.

[Read and]

*Resolved*, That the prayer of the Petition be granted, and that the whole Right of this Province in the hundred Acres of Land in the Petition of the said Chileab Smith mentioned and described, be granted to the said Chileab to hold to him, his Heirs and Assigns forever; He the said Chileab giving security to the Province Treasurer to pay the Sum of Ten Pounds into the Province Treasury for the use of the said Province within two years from this time. [*Passed June 16.*]

## CHAPTER 41.

### RESOLVE GRANTING 1,000 ACRES OF EQUIVALENT LAND TO SAM<sup>L</sup> BROWN.

Legislative  
Records of the  
Council,  
xxvii., 349.

House Jour-  
nal, pp. 41, 52,  
54, 56, *Ante*,  
p. 288, chap.  
133; p. 326,  
chap. 215.

THE MEMORIAL of Samuel Brown was read and thereupon

*Resolved* That the prayer thereof be granted, and that the Land delineated and described in the Survey and Plans returned viz' Three hundred and eighty seven acres part thereof on Saddle Mountain so called adjoining to Lanesborough, and six hundred and thirty three acres at Jericho so called in the County of Berkshire in two pieces, be granted & confirmed to the said Samuel Brown and his Heirs in full for the thousand Acres granted to the Memorialist in February last. Provided the same doth not exceed One thousand & twenty acres and doth not interfere with any former Grant. Provided also that the said six hundred and thirty Acres at Jericho aforesaid upon the final settlement of the Boundary Line of this Province with New York doth not interfere with said settlement; but in case it should so happen in the final settlement of said Line that any part of said Lands near said Boundary Line shall be included within the Province of New York, then the said Samuel Brown shall be allowed and have liberty further to Survey and lay out so much Land as shall be taken off by the settlement of said Line in some of the unappropriated Lands of this Province, and return a Plan thereof to this Court for confirmation. Provided the same be done by a skilful Surveyor and Chainmen under Oath & returned within twelve months next after settlement of s<sup>d</sup> Line. [*Passed June 16.*]

## CHAPTER 42.

### RESOLVE RELEASING PROVINCE TITLE TO LAND TO HUMPHREY DENAND.

Legislative  
Records of the  
Council,  
xxvii., 351.

House Jour-  
nal, pp. 40, 55,  
56, *Ante*,  
p. 136, chap. 45.

A PETITION of Humphrey Denand Setting forth That in the year 1764 he began a Settlement on a Tract of Land lying West of, and near to Pittsfield since granted to Benj<sup>a</sup> Goodrich and Others. That afterwards finding that M<sup>r</sup> Cha<sup>s</sup> Goodrich was employed by other persons' settled thereabouts to apply to the Court for Grants of such Lands, he also applied to the said Charles and depended on having his name inserted in the Grant; but by some means or other it was omitted. And Praying Relief.

The Petition of Humphrey Denand was read, and it appearing that the said Humphrey in the year 1764 before any Grant or Release of the Tract of Land in said Petition mentioned was made by this Province, took possession of part of the said Tract of Land, and

that he has ever since continued in quiet and peaceable possession thereof, and that when the General Court of this Province on the 20<sup>th</sup> of June 1766 released and quit claimed to one Benj<sup>a</sup> Goodrich and Others all their right & title to said Land, it was their true intention & design to have released and confirmed the same Land to all the then Inhabitants and Possessors thereof, but that the said Humphrey tho' then an Inhabitant there by some mistake was not mentioned or included in the same Release or quit claim.

Therefore

*Resolved* That so much of the said Tract of Land as the said Humphrey was possessed of at the time of making the Release aforesaid to the said Benj<sup>a</sup> Goodrich and others, and all the right and title of this Province in and to the same be released and quit claimed to the s<sup>d</sup> Humphrey and his Heirs. Provided that the same do not contain more than one fifteenth part of the whole of the said Tract of Land, he paying or giving security to the Province Treasurer for payment of one shilling *per* Acre for the same, be it more or less.  
[*Passed June 16.*]

## CHAPTER 43.

RESOLVE ALLOWING £4. 16. 6 TO W<sup>m</sup> NEWMAN.

A PETITION of William Newman of Lynn setting forth, That in the year 1762 he entered as a Soldier in the pay of the Province under Cap<sup>t</sup> Moses Hart; and that returning late in the Fall from Halifax, he contracted an illness which confined him near two months, and that by reason of other misfortunes since, he has not been able to pay his Doctor and Nursing. And praying an allowance.

[*Read and*]

*Resolved* That there be and hereby is granted to the Petitioner William Newman four pounds, sixteen shillings and six pence out of the public Treasury in full for his Doctoring and Nursing mentioned in his Petition, paid to M<sup>r</sup> Ebenezer Burrill for the use of the Petitioner in the discharge of said debts.<sup>1</sup> [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xxvii., 352.

House Jour-  
nal, pp. 39, 56,  
57.

## CHAPTER 44.

ORDER DIRECTING DELIVERY OF A COPY OF THE PROVINCE LAWS TO THE TOWN OF CHESTERFIELD.

*Ordered* that the Printers be and hereby are directed to deliver to the Town of Chesterfield a set of the Province Laws.<sup>2</sup> [*Passed June 16.*]

Legislative  
Records of the  
Council,  
xxvii., 353.

<sup>1</sup> Final action not found in the House Journal.

<sup>2</sup> Not found in the House Journal.



## CHAPTER 45.

RESOLVE IMPOWERING ELIZ<sup>A</sup> BARTLET, ADM<sup>S</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxvii., 355.

House Jour-  
nal, pp. 15, 50,  
51, 60. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of Elizabeth Bartlet Widow and Admin<sup>s</sup> of the Estate of Gershom Bartlet late of Newton in the Province of New Hampshire deceased Intestate setting forth That the deceaseds debts amount to more than his Personal Estate, in consequence of which she hath obtained leave from the Judge of Probate in New Hampshire to sell as much of the Real Estate as will pay the said debts. That he left only two pieces of Land one lying in New Hampshire being his Homestead, which she is unwilling to sell, the other piece containing about eleven Acres of Pasture lyes partly in New Hampshire and partly in the Massachusetts Government, and can be sold to the least disadvantage. And praying that she may be impowered to sell the same for the purpose aforesaid.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered in her s<sup>d</sup> capacity to sell all the Real Estate within mentioned lying within this Province, and to make and execute a good deed or deeds to the purchaser or purchasers, she observing the directions given by the Law of this Province relating to Exec<sup>ts</sup> and Admin<sup>rs</sup> selling of Real Estate; and giving caution to the Judge of Probate for the County of Essex who is hereby impowered and required to receive the same, that the said proceeds arising by the sale of said Estate may be applied to the within mentioned purposes. [*Passed June 17.*]

## CHAPTER 46.

RESOLVE ALLOWING £6 TO DAV<sup>D</sup> RANSFORD.

Legislative  
Records of the  
Council,  
xxvii., 357.  
Mass.  
Archives,  
lxxx., 655.

Mass.  
Archives,  
lxxx., 655.  
House Jour-  
nal, pp. 33, 39.

A PETITION of David Ransford of Uxbridge setting forth, That above 56 years ago he served as a Grenadier and was at the taking of Port Royal, where he suffered many and great hardships. That some time after a Proclamation was issued allowing each Soldier in that expedition 500 Acres of Land; but that the Petitioner living in Connecticut never obtained said Land And praying relief.

[Read and]

*Resolved* that there be allowd & paid out of the Province Treasury the Sum of Six pounds to the Petitioner in full Consideration of the Services mentiond in his petition. [*Passed June 17.*]

## CHAPTER 47.

## RESOLVE CONFIRMING THE VOTES OF PROPRIETORS MEETING OF PEARSONTOWN.

Legislative  
Records of the  
Council,  
xxvii., 357.

House Jour-  
nal, pp. 55, 58.

A PETITION of Enoch Freeman and Stephen Longfellow a Committee of the Proprietors of Pearsontown Setting forth That Benjamin Titcomb of Falmouth was chosen Clerk of the Propriety 19<sup>th</sup> March 1765 and thro' inadvertency did not take the Clerks Oath



till 11<sup>th</sup> August 1767 during which time sundry meetings were held and matters transacted which were by him recorded, and which they doubt not was done faithfully. And praying in order to prevent any disadvantage from such neglect aforesaid, the said Records may be established upon the Clerks making Oath thereto.

[Read and]

*Resolved* That the prayer thereof be granted, and that the said Clerk be allowed to make Oath before a Justice of the peace at the next Proprietors meeting of Pearsonstown that the Votes by him entered in said Book of Records are faithfully and truly made: and thereupon the said Votes shall be held as firm, valid and effectual to all intents and purposes as if the said Clerk had been Sworn before his entry thereof. [*Passed June 17.*]

## CHAPTER 48.

### RESOLVE IMPOWERING SARAH FULLER, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Fuller of Dedham Admin<sup>x</sup> of the Estate of Benj<sup>a</sup> Fuller late of Dedham deceased Intestate Setting forth That the said deceaseds Personal Estate being found insufficient to pay his just debts, she obtained leave of the Superior Court to sell part of his Real Estate to the amount of Thirty pounds; since which it appears that the debts amount really to Forty five pounds. That relying on said Order of Court she sold ten and three quarters Acres and 24 Rods of Lands which could not be divided; the amount of which sale was £52.6.4. And praying that the said Sale may be confirmed and she may be empowered to give a good and sufficient deed of the Land aforesaid.

[Read and]

*Resolved* That the prayer of this Petition be granted; and that the Sale of the Land therein mentioned be, and hereby is confirmed and the Petitioner empowered in her said capacity to make and execute a good and sufficient deed or deeds in law to the purchaser or purchasers of the said Lands first giving caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale (over and above what shall be necessary to pay the just debts due from said Estate as mentioned in s<sup>d</sup> Petition and the further charges of the Sale) be immediately put to interest, that it may be applied for the benefit of the Heirs when they shall come of age. [*Passed June 18.*]

Legislative  
Records of the  
Council,  
xxvii., 358.

House Jour-  
nal, pp. 45, 63.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 49.

### RESOLVE ALLOWING £10 TO HENRY YOUNG BROWN.

*Resolved* That the Sum of Ten pounds be allowed and paid out of the Province Treasury to Henry Young Brown to enable him to defend himself against the Action brought against him by the Proprietors of the Town of Conway in the Province of New Hampshire for the recovery of Lands granted by this Province to the said Henry; he the said Henry to be accountable to this Court for the same Money. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xxvii., 360.

House Jour-  
nal, pp. 65 bis,  
66. *Ante*,  
p. 140, chap. 55.

## CHAPTER 50.

RESOLVE CONFIRMING AN EQUIVALENT TOWNSHIP TO JA<sup>S</sup> WARREN, ESQ<sup>d</sup>, AND OTHERS.

Legislative  
Records of the  
Council,  
xxvii., 360.

Maps and  
Plans, Mis.,  
xiv., 7. House  
Journal, pp. 61,  
64. *Ante*,  
p. 129, chap. 34.

*Resolved* That the within Plan of a Township of the contents of seven miles square granted to James Warren Esq<sup>r</sup> and Others Agents for the Proprietors of a Township called Sylvester Canada formerly granted to Cap<sup>t</sup> Joseph Sylvester and Company; which Township by the late running the Line between this Province and the Province of New Hampshire fell within the bounds of the Government of New Hampshire, to them and their legal Representatives and Assigns, and by them laid out on the West side of Androscoggin River, bounded as follows viz<sup>t</sup> beginning at a place in Androscoggin River called crooked Repels six Miles (as the River runs) above Androscoggin great Falls, which is the Easterly corner of Bakers Town so called, from thence running North 60 degrees West in the Northeasterly Line of said Bakers Town five Miles and a half to the Northerly corner thereof: then running North 26 degrees east by Province Land ten Miles and 180 Rods to a Stake with Stones about it, then running by Province Land South 60 degrees East three Miles and 250 Rods to a heap of Stones by said River, thence running Southerly by said River to the bounds first mentioned, be accepted and hereby is confirmed to the said Petitioner and the legal Representatives of the said Joseph Sylvester and Company their Heirs and Assigns forever, they complying with the following conditions viz<sup>t</sup> the Grantees within six years settle thirty Families in said Town, build a House fit for public Worship and settle a learned Protestant Minister, and lay out one sixty fourth part of said Town for the use of the first settled Minister & one sixty fourth part for the Ministry and one sixty fourth part for a Grammar School in said Town and one sixty fourth part for the use of Harvard College in Cambridge. Provided the same doth not exceed the quantity of seven Miles square (exclusive of three thousand and two hundred Acres allowance for Ponds therein contained) nor interfere with any former Grant.

Consented to by the Governor upon Condition that there shall be eighty one Families according to the engagement herewith written.

The Engagement is as follows —

I do in behalf of the Proprietors of this Township engage that there shall be eighty one settlers, being the proportion of Settlers agreeable to the size of this Township.

Signed JAMES WARREN.

[*Passed June 20.*]

## CHAPTER 51.

ORDER DIRECTING SAMUEL GERRISH, AND OTHERS, TO PRESENT A NEW PLAN OF THE LAND GRANTED THEM.

Legislative  
Records of the  
Council,  
xxvii., 361.

WHEREAS it appears that there is a mistake in the Plan of a Grant of a Township to Samuel Gerrish Esq<sup>r</sup> and Others called Bakers-town, which Plan has been confirmed by this Court.

*Ordered* That the Petitioners for said Grant exhibit to this Court a new Plan of said Grant that the said mistake may be rectified.  
[*Passed June 21.*]

House Journal, pp. 64, 65.  
*Ante*, p. 58,  
chap. 109.  
*Supra*, chap.  
50.

## CHAPTER 52.

RESOLVE IMPOWERING DAN<sup>L</sup> WEBSTER, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Webster of Sheffield Admin<sup>r</sup> of the Estate of William Roberts late of Egremont dec<sup>d</sup> Setting forth That the deceaseds Estate is insolvent. And praying that he may be authorized & impowered to make sale of the Real Estate of the said deceased toward the payment of his debts.

[Read and]

*Resolved* That the prayer of this Petition be so far granted that the Petitioner be and hereby is impowered in his said capacity to make Sale of all the Real Estate of the said deceased, saving to the late Widow of said dec<sup>d</sup> her Right of Dower, and to make and execute in law a good deed or deeds to the purchaser or purchasers, he observing the Rules given in Law to Exec<sup>rs</sup> & Admin<sup>rs</sup> for the Sale of Real Estates and giving caution to the Judge of Probate for the County of Berkshire that the proceeds of said Sale may be applied to the purposes as mentioned in this Petition. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xxvii., 365.

House Journal, pp. 59, 67.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 53.

RESOLVE IMPOWERING RALPH EARL AND MARTHA WARD, EXECUTORS, WITH HEZEKIAH WARD TO SELL REAL ESTATE.

A PETITION of Ralph Earl, and Hezekiah Ward and Martha his Wife as the said Ralph & Martha are Exec<sup>rs</sup> of the last Will and Testament of David Earl late of Liecester in the County of Worcester deceased setting forth That the Testator by his last Will impowered his Executors to sell the whole of his Real Estate if necessary, but did not impower them to execute deeds of conveyance: and as it is necessary to sell of the Real Estate to the amount of £135 to pay debts and Legacies, Praying that they may be impowered to make sale of so much of said Real Estate as will be sufficient for that purpose, and to execute deeds of the same accordingly.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioners be and hereby are impowered to sell so much of the Real Estate of the deceased where it can be best spared as shall amount to the Sum of One hundred and thirty five<sup>1</sup> pounds, and to make and execute a good deed or deeds of the same in Law to the purchaser or purchasers, observing the rules given in Law to Exec<sup>rs</sup> and Admin<sup>rs</sup> in the Sale of Real Estate and giving caution to the Judge of Probate for the County of Worcester that the proceeds of said Sale may be applied to the purposes withinmentioned. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xxvii., 366.

House Journal, pp. 43, 44,  
66, 67. Prov.  
ince Laws, ii.,  
151, chap. 10.

<sup>1</sup> The House Journal, p. 66, reads, £130.

## CHAPTER 54.

RESOLVE IMPOWERING THE JUSTICES OF THE INFERIOR COURT FOR  
ESSEX TO RECEIVE AWARD OF REFEREES.

Legislative  
Records of the  
Council,  
xxvii., 368.

Legislative  
Records of the  
Council,  
xxvii., 226.  
House Jour-  
nal, p. 71.

A PETITION of Richard Kimball and Thomas Poor of Andover Setting forth That they brought an Action against Joshua Follansbe of Salisbury to the Inferior Court held at Newburyport in 1764 at which time the said Parties entered into a Rule of Court whereby they referred the said Action and all demands to the determination of three Gentlemen, who, after a fair hearing returned their Award into Court in Sep<sup>r</sup> 1765 which was by the Court recommitted to them who again heard the Parties, and as the Petitioners are informed drew up and signed their Award, but before the same was delivered into Court the said Joshua died. And praying that the Court from which the Rule issued may be impowered to receive the said Award, the death of the said Joshua notwithstanding.

[Read and]

*Resolved* That the prayer of the Petition be granted: and that the Justices of the Inferior Court of Common pleas next to be holden at Salem within and for the County of Essex be and hereby are impowered to receive and accept the Award of the Referrees mentioned in said Petition; which Award when accepted by said Court shall be binding on all Parties concerned to all intents and purposes whatsoever. and said Court is alike impowered to issue Process against the Administrator of the said Joshua Follansbe for the recovery of the debt & Costs in the same manner as if Process had originally issued against him in his said capacity. [*Passed June 22.*]

## CHAPTER 55.

RESOLVE IMPOWERING JESSE LUCE, ADM<sup>r</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxvii., 371.

House Jour-  
nal, pp. 34, 72.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jesse Luce of Tisbury in Dukes County Admin<sup>r</sup> of the Estate of his Father Roland Luce late of said Tisbury deceased Setting forth That the dec<sup>d</sup> debts amount to £44.13.10 more than his Personal Estate. And Praying that he may be impowered to make sale of so much of the deceased's Real Estate as to enable him to discharge the said debts and the Charge of Administration.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the petitioner be and hereby is impowered in his said capacity to make sale of so much of the Real Estate of the within named Roland deceased as shall be sufficient for the purposes within mentioned, and to make a good deed or deeds for the conveying the same, he observing the Rules of the Law relating to the Sale of Real Estate by Executors and Admin<sup>r</sup> and giving caution to the Judge of Probate for the County of Dukes County, that the money arising by said Sale be applied for the purposes aforesaid. [*Passed June 23.*]

## CHAPTER 56.

RESOLVE IMPOWERING WM FALLASS AND DORCAS HARRIS, ADM<sup>rs</sup>, TO SELL REAL ESTATE.

A PETITION of William Fallass of Boston and of Dorcas Harris Admin<sup>rs</sup> of the Estate of Samuel Harris late of said Boston deceased Intestate Setting forth That the said deceaseds Estate is Insolvent. And inasmuch as the Superior Court will not sit in the County of Suffolk until August Praying that this Court would empower them to make Sale of the deceaseds Real Estate consisting of a House and Land on Fort Hill, the produce thereof to be applied towards payment of the dec<sup>d</sup>s debts.

Whereas it appears that the prayer of this Petition is reasonable and that the granting thereof may be of great advantage to the Creditors and all others concerned in the within-mentioned Estate. Therefore

*Resolved* That the prayer of this Petition be granted, and that the Petitioners be and hereby are empowered in their said Capacity to make sale of all the Real Estate of the said deceased, observing the rules and directions given in Law to Exec<sup>rs</sup> and Admin<sup>rs</sup> respecting the sale of Real Estates, and to make and execute a good and legal deed or deeds to the purchaser or purchasers; they first giving caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale shall be applied to the purposes herein mentioned. [*Passed June 24.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xxvii., 369.

Mass.  
Archives,  
ccxiii., 156.  
House Jour-  
nal, pp. 34, 69,  
70. Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 57.

ORDER ALLOWING £33 TO REV<sup>d</sup> ELI FORBES.

A PETITION of Eli Forbes of Brookfield Clerk Praying for payment of the Sum stipulated by the Court 13<sup>th</sup> June last for boarding, Cloathing and instructing of three Indian Children from the 15<sup>th</sup> January last to the 17<sup>th</sup> Instant making 22 Weeks at 10/

Read and

*Ordered* that the Petitioner be paid out of S<sup>r</sup> Peter Warren's Donation the Sum of thirty three pounds in full of His acc<sup>t</sup> to the 17<sup>th</sup> Day of June Instant for his bording, Cloathing, and Instructing the three Indian Children mentioned in his Petition. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xxvii., 371.  
Mass.  
Archives,  
xxxiii., 484.

Mass.  
Archives,  
xxxiii., 483.  
House Jour-  
nal, pp. 73,  
74. *Ante*,  
p. 273, chap. 95.

## CHAPTER 58.

## ORDER ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER FROM MAY 27, 1767, TO MAY 25, 1768, AND DISCHARGING HIM OF £228,984. 4. 6.

THE COMMITTEE to whom was referred the Examination of the Accounts of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenue within the Province of the Massachusetts

Legislative  
Records of the  
Council,  
xxvii., 373.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 22.



Legislative  
Records of the  
Council,  
xxvii., 324.  
House Jour-  
nal, pp. 30, 73.

Bay in New England begining the 27<sup>th</sup> May 1767 ending 25 May 1768 having attended that Service, upon examining the same find them right cast and well vouched, by which it appears that the s<sup>d</sup> Accomptant charges himself with the Sum of Eighty two thousand five hundred and forty two pounds, eleven shillings and nine pence being so much due for Taxes as represented by his last Accompts. Also with the Sum of Seventy seven thousand, one hundred and ninety six pounds, fourteen shillings & one penny being the balance due by his last Accompts. Also with the Sum of Forty three thousand, five hundred & eighty five pounds and four pence a Tax laid on Polls and Estates by virtue of an Act of the General Court passed in May 1767. Also with the Sum of One hundred & fifty seven thousand pounds borrowed of sundry persons by virtue of an Act passed in May last. Also with the Sum of Five thousand six hundred & fifty pounds one shilling and eleven pence received of the Collectors of Excise on Spirituous Liquors. Also with the Sum of Seven hundred and seventy two pounds fourteen shillings received for Excise on Tea Coffee &c also with the Sum of Nine hundred fifty seven pounds sixteen shillings and eight pence Monies received for Lands sold. also with the Sum of five hundred & ten pounds, nineteen shillings and six pence received of Andrew Hall being the balance due from him for the Province Ship. Also with the Sum of One pound eleven shillings received of Justice Rand for Fines. Also with the Sum of Twenty four pounds received of Josiah Dwight Esq<sup>r</sup> being the produce of some Stores belonging to the Province left in his hands. Also with the Sum of Six pounds four shillings & four pence received of Roland Cotton Esq<sup>r</sup> for monies he received out of the Treasury for Deborah Bristow which he did not pay to her. Also with the Sum of Two hundred forty pounds received of the hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> being the Profits arising by the Indian Trade. Also with the Sum of Ten hundred seventy one pounds, sixteen shillings and seven pence received of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> Commissioner of Impost Duties. All which Sums amount to Three hundred, sixty nine thousand, five hundred fifty nine pounds, ten shillings and two pence.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursements by order of the Governor and Council amounting to Fifteen thousand, One hundred forty three pounds, seventeen shillings and eight pence. Also by Government Securities burnt by a Committee of both Houses amounting to two hundred, thirteen thousand and fifty five pounds, eighteen shillings and five pence. Also by Arrearages due from Moses Smith a defective Constable of Newbury for 1761, One hundred thirty two pounds six shillings and eight pence, which Sum is added to Newbury & Newbury Port Tax last year. Also by Arrearages due from a defective Constable of Chelsea for the year 1749 Seventy one pounds nineteen shillings and one penny which is added to Chelsea Tax last year. Also by remittance of Taxes due from the Town of Winchendon by order of the General Court One hundred and Sixty seven pounds, three shillings & four pence. Also by remittance of old Arrearages due from the Town of Palmer by order of the General Court One hundred seventy four pounds, sixteen shillings. Also by a remittance of the Tax laid upon Dorchester Canada Two hundred twenty four pounds, sixteen shillings & eight pence, which Sum is to be laid on several Towns in the County of Worcester. Also by a remittance of a Tax due from Concord by order of Court Thirteen



pounds, six shillings and eight pence. Also by Taxes still outstanding amounting to Eighty seven thousand three hundred and four pounds, seven shillings and six pence. And by balance in hand further to account for Fifty three thousand two hundred and seventy pounds, eighteen shillings and two pence. All which Sums amount to Three hundred sixty nine thousand five hundred fifty nine pounds, ten shillings & two pence.

[Read and]

*Ordered* That the Treasurer and Receiver General be and hereby is discharged of the several Sums mentioned in his Account amounting to two hundred twenty eight thousand nine hundred and eighty four pounds, four shillings and six pence. And that he be further accountable for the Sum of Eighty seven thousand three hundred & four pounds, seven shillings and six pence represented as outstanding Taxes, when received into the Treasury: And the Sum of Fifty three thousand two hundred & seventy pounds eighteen shillings and two pence being the balance of account remaining in his hands. [*Passed June 24.*]

## CHAPTER 59.

ORDER DIRECTING THE TRUSTEES TO PAY £15 TO SAM<sup>l</sup> OMPANY AND WIFE, INDIANS.

A PETITION of Samuel Ompany and Zerviah his Wife both of Tisbury in Dukes County Setting forth That some time since this Court impowered them to make sale of sundry Tracts of Land in Natick and to employ ten pounds part of the money it should produce in building them a House; the remainder to be put out to interest for their benefit. That they have employed the Ten pounds beforementioned in manner as afores<sup>d</sup> but that it is very insufficient for the purpose. And praying that they may be impowered to draw out a further Sum to enable them to finish and compleat the said House.

[Read and]

*Ordered* that the Trustees mentiond in this Petition be & hereby are directed to pay to the Petitioners the Sum of fifteen pounds for the purpose mentiond & to take Care that it be applyd for that Use & no other.<sup>1</sup> [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xxvii., 376.  
Mass.  
Archives,  
xxxiii., 473.

Mass.  
Archives,  
xxxiii., 472.  
House Jour-  
nal, p. 34.  
*Ante*, p. 189,  
chap. 164.

## CHAPTER 60.

RESOLVE CONFIRMING ALL MEETINGS OF THE INHABITANTS OF ANY TOWN, DISTRICT, OR PRECINCT IN THIS PROVINCE.

WHEREAS the Selectmen, Committees and other officers in divers Towns, Districts and Precincts within this Province heretofore appointed to manage the prudential affairs and to call their Meetings have acted in their respective offices for those purposes, not having previously taken the Oath relative to the Bills of Credit on the neighbouring Governments, whereby doubts may possibly arise touching the legality of the proceedings had in consequence of such their

Legislative  
Records of the  
Council,  
xxvii., 376.  
House Jour-  
nal, p. 70.

<sup>1</sup> Final action not found in the House Journal.

acts, and the legality of the Town, District & Precinct Meetings by them called. Therefore to the end that all such doubts may be removed.

*Resolved* That all Meetings of the Inhabitants of any Town, District and Precinct within this Province heretofore called and held by any such Selectmen or Committees, and all matters transacted in any such Meetings shall, if otherwise legal, be and hereby are ratified and confirmed, any omission of taking the Oath aforesaid notwithstanding. [*Passed June 25.*]

## CHAPTER 61.

RESOLVE GRANTING FURTHER TIME FOR CONFIRMATION OF A GRANT BY HIS MAJESTY.

Legislative  
Records of the  
Council,  
xxvii., 378.

House Jour-  
nal, pp. 74, 77.  
Province  
Laws, xvii.,  
171, chap. 401.  
*Ante*, p. 199,  
chap. 185.

A PETITION of Enoch Bartlet and Samuel Downe Agents for six Townships in the Territory of Sagadahoc lately granted by the General Court to James Duncan Praying that they may be indulged with a further time for obtaining his Majesty's allowance of said Grant, which their Agent in England hath not yet been able to procure.

[Read and]

*Resolved* That the prayer of this Petition be granted; and that the Grantees of the six Townships East of Penobscot River granted by the General Court in March 1762 to David Marsh and Others be allowed the further time of eighteen Months from August next to obtain his Majesty's approbation. [*Passed June 27.*]

## CHAPTER 62.

ORDER ALLOWING £8. 18 TO SELAH WRIGHT.

Legislative  
Records of the  
Council,  
xxvii., 379.

House Jour-  
nal, pp. 45, 49,  
79, 80.

A PETITION of Selah Wright a Deputy Sheriff for the County of Hampshire Setting forth That he was at great pains and expence in Searching after & apprehending one Nathan Bigelow charged with uttering counterfeit Money, and that having apprehended the said Nathan, he committed him to his Majesty's Goal in Springfield, but before the sitting of the Superior Court he made his escape, and thereupon the Court of Sessions apprehend they are not by Law empowered to order payment of the charge he has been at on this occasion. And Praying Relief.

Read and

*Ordered* That the Sum of Eight pounds, eighteen shillings be allowed and paid out of the Province Treasury to the Petitioner in full discharge of his Account of time and expence for himself and assistance in apprehending and committing the said Nathan Bigelow. [*Passed June 27.*]

CHAPTER 63.

RESOLVE ALLOWING DAV<sup>d</sup> BEAN AND OTHERS FURTHER TIME FOR  
CONFIRMATION OF A GRANT OF LAND BY HIS MAJESTY.

A PETITION of David Bean and Others Grantees of a certain Township lying in the Territory of Sagadahoc granted by the General Court in the year 1762. Praying that they may be indulged with a further time for obtaining his Majesty's Allowance of said Grant, without which they are in danger of losing the benefit of the same.

Legislative  
Records of the  
Council,  
xxvii., 380.  
Mass.  
Archives,  
cxviii., 342.  
Mass.  
Archives,  
cxviii., 341.  
Legislative  
Records of the  
Council, xxvi.,  
240. House  
Journal, p. 61  
(June, 1766);  
p. 82. Prov-  
ince Laws,  
xviii., 169, chap.  
399.

[Read and]  
*Resolved*, That the Prayer of this Petition be granted and that the Grantees of the Township lying in the Territory of Sagadahock granted by the general Court in March 1762 to David Bean & others be allowed the further Time of Eighteen months from this Day to obtain his Majesties Approbation. [*Passed June 28.*]

CHAPTER 64.

RESOLVES ESTABLISHING THE GARRISONS AT CASTLE WILL<sup>m</sup> & FORT  
POWNALL.

*Resolved*, That there be an Establishment for fifty Men Officers included, for the Defence of Castle William, and that their Wages, be fixed at the following Rates to continue for one Year from the twentieth Day of June current, Viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxvii., 381.  
Mass.  
Archives,  
lxxx., 660.  
House Jour-  
nal, pp. 77, 80,  
81, 82.

For one Captain,	per Annum . . . . .	£56. 3. 10
One Lientenant	per Ditto . . . . .	28. 11. 5
One Chaplain	per D <sup>o</sup> . . . . .	33. .6. 8
One Gunner	per Ditto . . . . .	45. 6. 8
One second Gunner	per Ditto . . . . .	33. 6. 8
One Armourer	per Month . . . . .	2. 4. 6
Two Serjeants	per Ditto, each . . . . .	1. 12. 0
Six Quarter Gunners,	per Ditto, each . . . . .	1. 12. 0
Four Corporals	per Ditto, each . . . . .	1. 9. 4
One Drummer	per Ditto . . . . .	1. 9. 4
Thirty one Privates	per Ditto, each . . . . .	1. 4. 0

Also, *Resolved*, That the Establishment for Fort Pownall at Penobscot for one year from the twentieth of June Current, be as follows, Viz<sup>t</sup>

For one Lientenant	per Month . . . . .	£3. 0. 0
One Interpreter	per Ditto . . . . .	3. 0. 0
One Gunner	per Ditto . . . . .	2. 5. 0
An Armourer	per Ditto . . . . .	1. 10. 0
One Serjeant	per Ditto . . . . .	1. 10. 0
Twenty Privates, per	Ditto, each . . . . .	1. 4. 0
One Chaplain	per Ditto . . . . .	4.

[*Passed June 28.*]

## CHAPTER 65.

Legislative  
Records of the  
Council,  
xxvii., 383.  
Mass.  
Archives, civ.,  
551.

House Jour-  
nal, p. 87.  
Province  
Laws, iv., 880,  
chap. 3.

RESOLVE DIRECTING THE PROVINCE TREASURER TO NOTIFY POSSESSORS OF GOVERNMENT SECURITIES OF THEIR REDEMPTION.

*Resolv'd* that the Treasurer give Notice to the possessors of the Governm<sup>t</sup> Securities payable the 20<sup>th</sup> of this Month, that they bring them in to be redeem'd on or before the 20<sup>th</sup> Day of July next, as no Interest will be allow'd on them afterwards. And that the Treasurer be Directed to pay no Interest on any such Notes beyond that Day, Money being now Ready in the Treasury to Discharge the Notes that have become due. [*Passed June 29.*]

## CHAPTER 66.

RESOLVE DEDUCTING £12. 13. 5½ FROM THE PROVINCE TAX OF DEERFIELD AND ADDING SAME TO DISTRICT OF CONWAY.

Legislative  
Records of the  
Council,  
xxvii., 384.

House Jour-  
nal, pp. 54, 58,  
81, 84. Prov-  
ince Laws, iv.,  
955, chap. 4;  
v., 5, chap. 1.  
*Ante*, p. 350,  
chap. 38.

WHEREAS the District of Conway in the County of Hampshire was incorporated after the Province Tax for the last year was granted, in which incorporating Act, it was enacted That the said District of Conway should pay their proportion of all Town, County and Province Taxes already set on or granted to be raised, as if that Act had not been made, and in all future Taxes should pay alike proportion as they paid in the Province and County Taxes on the Town of Deerfield in the year 1767 and that it should be deducted from Deerfield Tax. And whereas a doubt arose about the assessing the said Conways proportion, it was by the Assessors of Deerfield and the Assessors of Conway for the said year 1767 agreed that the said Conways proportion of the Province Tax for the said year 1767 was twelve pounds 13/5½, and that it was by the said Assessors agreed to Petition the General Court at their last Session that the said Sum might be deducted from Deerfield Tax & laid on the said Conway, but by reason of the Nonattendance of the Representative of the Town of Deerfield the same Petition was not preferred. And whereas the said Sum is not assessed and cannot now be assessed either on the Inhabitants of Deerfield or Conway.

*Resolved* That the Sum of Twelve pounds, thirteen shillings and five pence two farthings be taken from the Province Tax laid on the Town of Deerfield for the year 1767 and that the s<sup>d</sup> Sum be added to the next Province Tax which may or shall be laid on the said Conway. [*Passed June 29.*]

## CHAPTER 67.

RESOLVE ALLOWING ACCOUNT OF THE COMMISSARY GENERAL OF THE INDIAN TRADE.

Legislative  
Records of the  
Council,  
xxvii., 385.  
Mass.  
Archives, cxx.,  
646.

THE COMMISSARY GENERAL having presented his Accounts relative to the Indian Trade, and the same having been previously examined by the Committees of the two Houses respectively, the following Order passed thereon viz<sup>t</sup>

*Resolved* that the foregoing Account be allowed, and that the Hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> Commissary General be, and hereby is further accountable to this Province for the balance being Two Thousand four hundred & Eighty nine Pounds, fourteen shillings, & eight pence. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxvii., 324.  
House Jour-  
nal, p. 82.

## CHAPTER 68.

### RESOLVE ALLOWING ACCOUNT OF THE COMMISSARY GENERAL OF PROVISIONS.

THE COMMISSARY GENERAL having laid before the Court his Account of Provisions paid for, and of Provisions delivered, and the same having been previously examined by Committee's of the two Houses respectively, the following Order passed thereon viz<sup>t</sup>

*Resolved* that the foregoing Account be allowed; and that the Commissary General be & hereby is further accountable to the Province for thirteen barrels Pork and seven & half barrels Peas. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxvii., 385.  
House Jour-  
nal, pp. 82, 83.  
*Supra*, chap.  
67.

## CHAPTER 69.

### RESOLVE ALLOWING ACCOUNT CURRENT OF THE COMMISSARY GENERAL.

THE COMMISSARY GENERAL having laid before the Court his Account current with the Province, and the same having been previously examined by Committee's of the two Houses respectively, the following Order passed thereon.

*Resolved* That the foregoing Account be allowed; the balance thereof being Fifteen pounds, eleven shillings and one penny due to the Accomptant from the Province be allowed him. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxvii., 386.  
House Jour-  
nal, p. 83.  
*Supra*, chap.  
68.

## CHAPTER 70.

### RESOLVE IMPOWERING PETER GLOVER, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Peter Glover Admin<sup>r</sup> of the Estate of Benjamin Glover late of Salem deceased Setting forth That the said deceaseds debts amount to £29.17.2 more than the Personal Estate. That the deceaseds Real Estate consisting of one half of an House is of the value of One hundred pounds. And as the said Estate will not admit of a Division; Praying that he may be empowered to sell the same; he to be accountable.

[*Read and*]

*Resolved* That the prayer of the within named Petitioner be granted, and that the Petitioner in his said capacity be and hereby is authorized and empowered to make sale of the one half the House mentioned in this Petition for the most the same will fetch, and to execute a good deed in the Law to the purchaser or purchasers for the same, he observing the directions of the Law relating to the

Legislative  
Records of the  
Council,  
xxvii., 386.  
House Jour-  
nal, pp. 84, 86.  
Province  
Laws, ii., 151,  
chap. 10.

Sale of Real Estate by Executors and Admin<sup>rs</sup> and giving sufficient caution to the Judge of Probate for the County of Essex that the proceeds arising by said Sale be applied to the payment of the debt due from the Estate of the said deceased agreeable to the prayer of the Petitioner and the overplus, if any there shall be, to be paid to the Heirs or their legal Representatives according to their several proportions in the Estate aforesaid. [*Passed June 29.*]

## CHAPTER 71.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 387.

House Jour-  
nal, pp. 10, 79,  
84, 85.

THE FOLLOWING ORDER passed on the Account of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex, which was laid before the Court for allowance viz<sup>t</sup>

*Resolved* That the within Account, being right cast and well vouched, be allowed, and that the Treasurer be discharged of the Sum of Three hundred and thirteen pounds, sixteen shillings and six pence half penny which he has paid by order of the Court of Sessions, and that there is due from the said Treasurer to the County the Sum of Sixty seven pounds, five shillings and ten pence three farthings for which the said Treasurer is further accountable. [*Passed June 29.*]

## CHAPTER 72.

### VOTE APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

Legislative  
Records of the  
Council,  
xxvii., 387.

House Jour-  
nal, p. 86.

In the House of Representatives.

*Voted* That M<sup>r</sup> Speaker, Cap<sup>t</sup> Sheaffe and M<sup>r</sup> Hall be a Committee with such as the hon<sup>ble</sup> Board shall join to repair to the Province Treasury in the recess of the Court and take an Account of the Government Securities that are or may be redeemed, and to see that they are all consumed to Ashes.

In Council, Read & Concurred, and Royall Tyler & James Pitts Esq<sup>rs</sup> are joined. [*Passed June 29.*]

## CHAPTER 73.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative  
Records of the  
Council,  
xxvii., 388.

House Jour-  
nal, pp. 10, 79,  
87.

THE FOLLOWING ORDER passed on the Account of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk, which was laid before the Court for allowance viz<sup>t</sup>

*Resolved* That the within Account, being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of Fourteen hundred and thirty three pounds & four pence three farthings which he has paid by order of the Court of Sessions, and there is due to the said Treasurer from the County the Sum



of Forty eight pounds, sixteen shillings and ten pence, and that there is outstanding in Taxes yet unpaid the Sum of Eighteen hundred and seventy six pounds, three shillings and  $4\frac{1}{4}$  for which the said Treasurer is further accountable when he shall receive the same. [*Passed June 30.*]

## CHAPTER 74.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

THE FOLLOWING ORDER passed on the Account of Solomon Otis Treasurer of the County of Barnstable which was laid before the Court for allowance viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxvii., 389.

*Resolved* That the within Account being right cast and well vouched be accepted: and that the Treasurer be discharged of the Sum of One hundred and sixty four pounds twelve shillings and five pence half penny which he has paid by order of the Court of General Sessions, and that he be further accountable for a balance of One hundred and forty one pounds, ten shillings and nine pence half penny still remaining due to the County when he shall receive the same. [*Passed June 30.*]

House Jour-  
nal, pp. 10, 79,  
95.

## CHAPTER 75.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

THE ACCOUNT of Samuel Denny Treasurer of the County of Lincoln was laid before the Court for allowance whereupon the following Order passed the Court viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxvii., 389.

*Resolved* That the within Account being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of Three hundred and six pounds, fourteen shillings and seven pence three farthings which he has paid by order of the Court of Sessions, and that there is due to said Treasurer the Sum of Fifty four pounds, thirteen shillings and eleven pence three farthings, and that there is outstanding in Taxes yet unpaid the Sum of Nineteen pounds, six shillings and two pence, for which the said Treasurer is further accountable, when he shall receive the same. [*Passed June 30.*]

House Jour-  
nal, pp. 10, 79,  
85.

NOTE.—The General Court for the political year 1768/69 held no further session, Governor Bernard by his Proclamation, dated July 1, 1768, having dissolved it.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1769-70.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1769-70.

HIS EXCELLENCY FRANCIS BERNARD,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

THE HONORABLE THOMAS HUTCHINSON, ESQ., LIEUTENANT  
GOVERNOR,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC. [*from August 1, 1769*].

THOMAS FLUCKER, ESQ.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

SAMUEL DANFORTH  
ISAAC ROYALL  
JOHN ERVING  
WILLIAM BRATTLE  
JAMES BOWDOIN<sup>2</sup>  
THOMAS HUBBARD  
HARRISON GRAY  
JAMES RUSSELL  
ROYALL TYLER

} ESQRS

JAMES PITTS  
SAMUEL DEXTER  
BENJAMIN GREENLEAF<sup>2</sup>  
JOSEPH HAWLEY  
ARTEMAS WARD<sup>2</sup>  
THOMAS SANDERS, JR.,<sup>2</sup>  
JOSEPH GERRISH<sup>2</sup>  
JOHN HANCOCK<sup>2</sup>  
JOSHUA HENSHAW<sup>2</sup>

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth;*

GAMALIEL BRADFORD  
JAMES OTIS<sup>2</sup>

} ESQRS.

JERATHMEEL BOWERS<sup>2</sup>  
WILLIAM SEVER

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;*

JOHN HILL, NATHANIEL SPARHAWK & JOHN BRADBURY, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JEREMIAH POWELL, ESQ.

<sup>1</sup> See Legislative Records of the Council, xxviii., 1-8.

<sup>2</sup> Rejected by the Governor. See Legislative Records of the Council, xxviii., 8.

*For the Province, at large:—*BENJAMIN LINCOLN & WALTER SPOONER,<sup>1</sup> ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 31, 1769 to April 26, 1770.*MR. THOMAS CUSHING, SPEAKER.<sup>2</sup>

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	James Otis, Esq.,
	Thomas Cushing, Esq.,
	Mr. Samuel Adams,
	John Hancock, Esq.
<i>Roxbury</i> , . . .	Joseph Williams, Esq.
<i>Dorchester</i> , . . .	Mr. Samuel Howe.
<i>Milton</i> , . . .	Mr. Benjamin Wadsworth.
<i>Braintree</i> , . . .	Ebenezer Thayer, Jr., Esq.
<i>Weymouth</i> , . . .	James Humphrey, Esq.
<i>Hingham</i> , . . .	Mr. Joshua Hersey.
<i>Dedham</i> , . . .	Mr. Nathaniel Sumner.
<i>Medfield</i> , . . .	Mr. Moses Bulling.
<i>Wrentham</i> , . . .	Mr. Jabez Fisher.
<i>Brookline</i> , . . .	Mr. Ebenezer Davis.
<i>Needham</i> , . . .	Capt. Eleazer Kingsberry.
<i>Stoughton &amp; Stoughton-ham</i> , . . .	} Mr. Hezekiah Gay.
<i>Medway</i> , . . .	
<i>Walpole</i> , . . .	Capt. Jonathan Adams.
	Capt. Seth Kingsberry.

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	Capt. Richard Derby, Jr.,
	Mr. John Pickering, Jr.
<i>Danvers</i> , . . .	Dr. Samuel Holten.
<i>Ipswich</i> , . . .	Capt. Michael Farley.
<i>Newbury</i> , . . .	Joseph Gerrish, Esq.
<i>Newbury Port</i> , . . .	Mr. Jonathan Greenleaf.
<i>Marblehead</i> , . . .	Joshua Orne, Esq.,
	John Gallison, Esq.
<i>Lynn</i> , . . .	Mr. Ebenezer Burrill.
<i>Andover</i> , . . .	Samuel Phillips, Esq.
<i>Beverly</i> , . . .	Capt. Henry Herrick.
<i>Rowley</i> , . . .	Humphrey Hobson, Esq.
<i>Salisbury</i> , . . .	Caleb Cushing Esq.
<i>Haverhill</i> , . . .	Mr. Samuel Bachellor.

COUNTY OF ESSEX — *Concluded.*

<i>Glocester</i> , . . .	Thomas Sanders, Jr. Esq.
<i>Topsfield</i> , . . .	Capt. Samuel Smith.
<i>Boxford</i> , . . .	Aaron Wood, Esq.
<i>Almsbury</i> , . . .	Mr. Isaac Merrill.
<i>Bradford</i> , . . .	Benjamin Mulliken, Esq.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . . .	Mr. Thomas Gardner.
<i>Charlestown</i> , . . .	Edward Sheaffe, Esq.
<i>Watertown</i> , . . .	Mr. John Remington.
<i>Woburn</i> , . . .	Mr. Oliver Richardson.
<i>Concord</i> , . . .	Capt. James Barrett.
<i>Newton</i> , . . .	Capt. Abraham Fuller.
<i>Reading</i> , . . .	Mr. Samuel Bancroft.
<i>Marlborough</i> , . . .	Mr. Samuel Witt.
<i>Billerica</i> , . . .	William Stickney, Esq.
<i>Framingham</i> , . . .	Joseph Buckminster,
	Esq.
<i>Lexington</i> , . . .	William Reed, Esq.
<i>Chelmsford</i> , . . .	Mr. Simeon Spaulding.
<i>Sherburne</i> , . . .	Mr. Jonathan Russell.
<i>Sudbury</i> , . . .	John Noyes, Esq.
<i>Malden</i> , . . .	Capt. Ebenezer Harn-
	den.
<i>Weston</i> , . . .	Mr. Abraham Bigelow.
<i>Medford</i> , . . .	Stephen Hall, Esq.
<i>Littleton</i> , . . .	Capt. Joseph Harwood.
<i>Hopkinton</i> , . . .	Capt. Joseph Mellen.
<i>Westford</i> , . . .	Capt. Jonas Prescott.
<i>Waltham</i> , . . .	Capt. Jonas Dix.
<i>Stow</i> , . . .	Henry Gardner, Esq.
<i>Groton</i> , . . .	} James Prescott, Esq.
<i>Shirley &amp; Pepperrell</i> , . . .	
<i>Townshend &amp; Ashby</i> , . . .	
<i>Holliston</i> , . . .	Mr. Amos Whitney.
	Mr. Joshua Hemenway.

<sup>1</sup> Rejected by the Governor. See Legislative Records of the Council, xxviii., 8.<sup>2</sup> April 18, 1770, James Warren, Esq., was elected Speaker pro tempore in the place of Thomas Cushing, Esq., who was sick. — House Journal, p. 167.



COUNTY OF HAMPSHIRE.

<i>Springfield &amp; Wilbraham,</i>	{ Mr. Jonathan Bliss, Major Benjamin Day.
<i>Northampton &amp; Southampton,</i>	{ Joseph Hawley, Esq.
<i>Hadley,</i>	{ Simeon Strong, Esq., Mr. Elisha Porter.
<i>South Hadley &amp; Amherst,<sup>1</sup></i>	
<i>Hatfield,</i> . . .	Hon. Israel Williams, Esq.
<i>Westfield,</i> . . .	Capt. John Mosely.
<i>Deerfield,</i>	{ Elijah Williams, Esq.
<i>Greenfield,</i>	
<i>Shelburne,</i>	
<i>Conway,</i>	
<i>Sunderland &amp; Montague,</i>	{ Mr. William Billing.
<i>Brimfield,</i>	{ Mr. Timothy Danielson.
<i>South Brimfield &amp; Monson,</i>	

COUNTY OF PLYMOUTH.

<i>Plymouth,</i> . . .	James Warren, Esq.
<i>Scituate,</i> . . .	Mr. Gideon Vinal.
<i>Duxborough,<sup>2</sup></i> . .	Capt. John Wadsworth.
<i>Marshfield,</i> . . .	Capt. Anthony Thomas.
<i>Bridgewater,</i> . .	Capt. Edward Mitchell.
<i>Middleborough,</i> .	Capt. Benjamin White.
<i>Rochester,</i> . . .	Mr. Samuel Sprague.
<i>Plympton,</i> . . .	Capt. John Bradford.
<i>Kingston,</i> . . .	William Sever, Esq.
<i>Abington,</i> . . .	Capt. Woodbridge Brown.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i> . . .	Hon. James Otis, Esq.
<i>Sandwich,</i> . . .	Mr. Stephen Nye.
<i>Yarmouth,</i> . . .	David Thacher, Esq.
<i>Eastham &amp; Wellfleet,</i>	{ Mr. Thomas Paine, Elisha Doane, Esq.
<i>Harwich,</i> . . .	Chillingsworth Foster, Esq.
<i>Falmouth,</i> . . .	Capt. Joseph Robinson.
<i>Chatham,</i> . . .	Mr. Joseph Doane.

COUNTY OF BRISTOL.

<i>Taunton,</i> . . .	James Williams, Esq., Daniel Leonard, Esq.
<i>Rehoboth,</i> . . .	Capt. James Clay.

COUNTY OF BRISTOL — *Concluded.*

<i>Swansey with Shawamet,</i>	{ Jerathmeel Bowers, Esq.
<i>Dartmouth,</i> . . .	Mr. Walter Spooner.
<i>Norton,</i> . . .	Dr. George Wheten.
<i>Attleborough,</i> . .	Mr. John Daggett.
<i>Dighton,</i> . . .	Col. Elnathan Walker.
<i>Freetown,</i> . . .	Mr. Thomas Durfee.
<i>Raynham,</i> . . .	Zephaniah Leonard, Esq.

COUNTY OF YORK.

<i>York,</i> . . .	Thomas Bragdon, Esq.
<i>Kittery,</i> . . .	James Gowen, Esq.
<i>Wells,</i> . . .	John Wheelwright, Esq.
<i>Berwick,</i> . . .	Benjamin Chadburne, Esq.
<i>Biddeford &amp; Pepperrellborough,</i>	{ Jeremiah Hill, Esq.

DUKES COUNTY.

<i>Chilmark,</i> . . .	Mr. Jonathan Allen.
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IN THE COUNTY OF NANTUCKET.

<i>Sherburne,</i> . . .	Mr. Stephen Hussey.
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COUNTY OF WORCESTER.

<i>Worcester,</i> . . .	Mr. Joshua Bigelow.
<i>Lancaster,</i> . . .	Capt. Asa Whitecomb.
<i>Mendon,</i> . . .	Mr. Edward Rawson.
<i>Brookfield,</i> . . .	Jedediah Foster, Esq.
<i>Oxford &amp; Charlton,</i>	{ Edward Davis, Esq.
<i>Sutton,</i> . . .	Capt. Henry King.
<i>Leicester &amp; Spencer &amp; Paxton,</i>	{ Mr. Thomas Denny.
<i>Rutland, Rutland District, Oakham &amp; Hubbardston,</i>	{ John Murray, Esq.
<i>Southborough,</i> .	Timothy Brigham, Esq.
<i>Westborough &amp; Northborough,</i>	{ Capt. Stephen Maynard.
<i>Shrewsbury,</i> . . .	Artemas Ward, Esq.
<i>Lunenburg &amp; Fitchburgh,</i>	{ Edward Hartwell, Esq.
<i>Uxbridge,</i> . . .	Capt. Ezekiel Wood.
<i>Harvard,</i> . . .	Israel Taylor, Esq.

<sup>1</sup> The House Journal, p. 4, adds, "*Granby.*"

<sup>2</sup> The House Journal, p. 4, reads, "*Duxbury.*"

COUNTY OF WORCESTER — *Concluded.*

*Bolton*, . . . John Whitcomb, Esq.  
*Sturbridge*, . . . Moses Marcy, Esq.  
*Hardwick*, . . . Hon. Timothy Ruggles.  
*Grafton*, . . . Mr. Ephraim Sherman.  
*Petersham*, . . . Mr. Theophilus Chandler.

COUNTY OF CUMBERLAND.

*Falmouth and* }  
*Cape Elizabeth,* } Jedediah Preble, Esq.

COUNTY OF CUMBERLAND — *Concluded.*

*Scarborough*, . . Mr. John Stewart.  
*Gorham*, . . . Solomon Lombard, Esq.

COUNTY OF BERKSHIRE.

*Sheffield, Great* }  
*Barrington &* } John Ashley, Esq.  
*Egremont,* }  
*Stockbridge*, . . Timothy Woodbridge,  
 Esq.  
*Pittsfield*, . . . Capt. Charles Goodrich.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1769.

## CHAPTER 1.

### RESOLVE ADJOURNING COURTS IN YORK COUNTY.

WHEREAS a great number of Actions which were depending in the Superior Court of Judicature Court of Assize and General Goal delivery held at Falmouth in and for the County of Cumberland on the fourth Tuesday of June 1768 were continued to the Court to be held at Falmouth in & for the said County on the fourth Tuesday of June this present year And whereas it is improbable that the time between the first day for holding the said Court in Falmouth and the first day for holding the said Court at York in and for the County of York will be sufficient for the Trial of the said continued Actions and also such new Actions as may be entred for Trial, It is therefore

Legislative  
Records of the  
Council,  
xxviii., 22.  
Mass.  
Archives,  
xliv., 677.  
House Jour-  
nal, pp. 27,  
28 *bis*. Prov-  
ince Laws, iv.,  
373, chap. 7;  
xvi., 568,  
chap. 3.

#### *Resolved*

That the Superior Court of Judicature Court of Assize and 'general Goal delivery which ought, by Law, to be held at York for the County of York on the first Tuesday of July next be and it hereby is adjourned to the Third Tuesday of the same month of July then to be holden at York in and for the said County of York. And all Pleas Writs Actions Suits Plaints Precepts Recognizances and Processes whatsoever and all Matters and Things returnable or having day in the said Court for the County of York shall stand abide and continue until the said Adjournment and be then proceeded on in like manner, and such proceedings shall be held deemed and adjudged to be as good effectual & available to all intents and purposes whatsoever, as if the said Court for the County of York had been held & kept on the day by Law for holding the same and no Adjournment had been made. [*Passed June 22.*]

## CHAPTER 2.

### RESOLVE ESTABLISHING THE GARRISONS AT CASTLE WILLIAM AND FORT POWNALL.

*Resolved* That there be an Establishment for fifty men officers included for the defence of Castle William. And that their wages be fixed at the Following Rates, to Continue for One Year from the 20<sup>th</sup> of June Current Viz

Legislative  
Records of the  
Council,  
xxviii., 24.  
Mass.  
Archives,  
lxxx., 662.

House Journal, pp. 28, 29, 30.

For one Captain	£ annum	.	.	.	.	.	.	£56.	3.	10
For one Lieut <sup>t</sup>	Ditto	.	.	.	.	.	.	28.	11.	5
For one Chaplain	Ditto	.	.	.	.	.	.	33.	6.	8
For one Gunner	D <sup>o</sup>	.	.	.	.	.	.	45.	6.	8
For one 2 <sup>d</sup> Gunner	D <sup>o</sup>	.	.	.	.	.	.	33.	6.	8
For one armourer	£ month	.	.	.	.	.	.	2.	4.	6
For Two Serjaents	D <sup>o</sup> Each	.	.	.	.	.	.	1.	12.	
for Six Quarter Gun <sup>ts</sup>	D <sup>o</sup> Each	.	.	.	.	.	.	1.	12.	
for 4 corporals	D <sup>o</sup> Each	.	.	.	.	.	.	1.	9.	4
for 1 Drummer	d <sup>o</sup>	.	.	.	.	.	.	1.	9.	4
for 31 privats	d <sup>o</sup> Each	.	.	.	.	.	.	1.	4.	

Also

*Resolved.* That the Establishment for. Fort Pownal at Penobscot for One Year from the 20<sup>th</sup> Jun current, be as follows Viz'

For One Lieut <sup>t</sup>	£ month	.	.	.	.	.	.	£2.	10
For an Chaplain	£ <sup>r</sup> D <sup>o</sup>	.	.	.	.	.	.	4.	
For an Interpreter	D <sup>o</sup>	.	.	.	.	.	.	2.	10
For One Gunner	D <sup>o</sup>	.	.	.	.	.	.	2.	5
For One Armourer	d <sup>o</sup>	.	.	.	.	.	.	1.	10
For one Sirjaent	D <sup>o</sup>	.	.	.	.	.	.	1.	10.
For Twenty privates	£ D <sup>o</sup> Each	.	.	.	.	.	.	1.	4

[*Passed June 22.*]

## CHAPTER 3.

Legislative Records of the Council, xxviii., 27. Mass. Archives, civ., 558.

House Journal, p. 37. Province Laws, iv., 358, chap. 7.

RESOLVE DIRECTING PROVINCE TREASURER TO NOTIFY POSSESSORS OF GOVERNMENT SECURITIES OF THEIR REDEMPTION.

*Resolved* that the Treasurer of this Province be & hereby is directed to give publick Notice to the Possessors of Government Securitis that were due the 20<sup>th</sup> Instant, that they bring them into the Treasury on or before the 20<sup>th</sup> of July next, in order that they may be paid off, & that no Interest will be allowd upon said Notes after the said 20<sup>th</sup> of July. [*Passed June 28.*]

## CHAPTER 4.

ORDER DIRECTING THE PAYMENT OF £75 AND A FURTHER AMOUNT OF £15 TO REV<sup>d</sup> ELI FORBES.

Legislative Records of the Council, xxviii., 28. Mass. Archives, xxxiii., 500.

Mass. Archives, xxxiii., 498. House Journal, pp. 32, 38. Province Laws, xvi., 60, chap. 128; 607, chap. 97. *Ante*, p. 243, chap. 26; p. 359, chap. 57.

A PETITION of the Rev<sup>d</sup> Eli Forbes of Brookfield Praying for Payment of the Sum stipulated by this Court for boarding cloathing and instructing of three Indian Children, from the 17<sup>th</sup> day of June 1768, to this time, which was fixed at 10/ <sup>p</sup> week, and setting forth, that on the 25<sup>th</sup> day of March last, he received two Letters from the Friends of the two Indian Boys requesting that their Children might be allowed to visit them for reasons expressed in said Letters. And praying the directions of this Court in the Premisses.

Read &

*Ordered* that there be paid out of the Intrest of Sir Peter Warrens Donation the Sum of Seventy five pounds to M<sup>r</sup> Eli Forbes in full for his Cloathing Bording and Instructing the three Indian Children in this petition mentiond from the 17<sup>th</sup> Day of June 1768 until June 3<sup>d</sup> 1769 & further

*Ordered* that there be paid out of the Intrest afos<sup>d</sup> a further Sum

of fifteen pounds to the said M<sup>r</sup> Eli Forbes to Enable him to Send home the Two Indian Boys and Return them according to his Discretion he to Render an acc<sup>t</sup> of the Disposal of the last mentioned sum hereafter to the Gen<sup>l</sup> Court. [*Passed June 28.*]

## CHAPTER 5.

### RESOLVE ESTABLISHING THE BOUNDARY LINE BETWEEN SUTTON AND UXBRIDGE.

A PETITION of Isaac Bernard and others a Committee of the Town of Sutton Setting forth That about twenty years since there was a Perambulation of the Lines between the said Town and the Town of Uxbridge, in which an unhappy mistake was made to the prejudice of the Town of Sutton. That the Selectmen of Sutton taking advantage hereof have ever since refused to Perambulate any other Line altho' the Line so run comes in upon Sutton about seven hundred rods in length, and in the widest part about 20 Rods in breadth, thereby cutting off about Eighty-four Acres of Land. And praying that a Committee of this Court may be appointed to settle the Line between the said Towns agreeable to the intention of the original Grant of said Town.

Read and

*Resolved* That the Line between the Towns of Sutton & Uxbridge, begin at a large red oak Tree, about Sixty Rods Easterly of the House of Mark Bachelor, having sundry marks upon it, and a large heap of Stones about the Root, being an ancient Monument, and to run from thence South seven degrees & an half West, by the Needle, four miles & twenty rods to a heap of Stones, called Draper's Corner, that & said red Oak tree being the two Corners mentioned in the Petition of the town of Sutton, & perambulated to by said town, and the town of Uxbridge, from their first Perambulation, and that the Charge of the Committee, amounting to the Sum of Six Pounds Eight shillings & seven pence be paid by the said Town of Uxbridge. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xxvii., 146;  
xxviii., 30.

Legislative  
Records of the  
Council,  
xxvii., 320, 325;  
xxviii., 26.  
House Jour-  
nal, pp. 37, 40.  
Province  
Laws, ix., 408,  
chap. 66.

## CHAPTER 6.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

THE FOLLOWING ORDER passed on the Account of John Cotton Esq<sup>r</sup> Treasurer of the County of Plymouth, which was laid before the Court for their Allowance, Viz<sup>t</sup>

*Resolved* that the within Account, being right cast, and well vouched be allowed, and that the Treasurer be discharged of the Sum of One hundred forty nine Pounds, nine shillings & four pence, which he has paid by order of the Court of Sessions, including his own Commissions, and that a Balance remains in the said Treasurers hands of Two hundred & seven pounds, seven shillings & six pence, including the last year's Assessment on the County, which the said Treasurer is still to account for, when he shall receive the same. [*Passed July 1.*]

Legislative  
Records of the  
Council,  
xxviii., 34.

House Jour-  
nal, pp. 28, 42.

## CHAPTER 7.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative  
Records of the  
Council,  
xxviii., 34.

House Jour-  
nal, pp. 28, 42.

THE FOLLOWING ORDER passed on the Account of Cap<sup>t</sup> Michael Farley, Treasurer of the County of Essex, which was laid before the Court for Allowance, Viz<sup>t</sup>

*Resolved* that the within Account, being right cast, & well vouched, be allowed and that the Treasurer be discharged of the Sum of Three hundred & fifty two Pounds ten shillings, which he has paid by order of the Court of Sessions, including his own Commissions, and that a balance remains in the said County Treasurer's hands of Four hundred forty Pounds, ten shillings & nine pence, including the last year's Assessment on the County of Three hundred Pounds, which the Treasurer is still to account for when he shall receive the same. [*Passed July 1.*]

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## CHAPTER 8.

## RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIANS OF THE HASANAMISCO INDIANS.

Legislative  
Records of the  
Council,  
xxviii., 35.  
Mass.  
Archives,  
xxxiii., 506.

Mass.  
Archives,  
xxxiii., 505.  
House Jour-  
nal, p. 44.  
Province  
Laws, xvii.,  
269, chap. 104.

THE FOLLOWING ORDER passed on the Account of Timothy Paine and Artemas Ward Esq<sup>rs</sup> Trustees of the Hasanamisco Indians, which was laid before the Court for Allowance, Viz<sup>t</sup>

*Resolved* that the accounts of the Guardians of the Hassanamisco Indians being right cast & well vouched be allowed & That the said Guardians be accountable for the Sum of Seventeen Hundred & forty four Ounces &  $6\frac{1}{2}$  Parts of an Ounce of Silver being Principal & that s<sup>d</sup> Guardians be further accountable for The Sum of two pounds eight shillings & Two Pence Interest money still remaining in their Hands. [*Passed July 4.*]

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## CHAPTER 9.

## RESOLVE APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES REDEEMED.

Legislative  
Records of the  
Council,  
xxviii., 35.  
Mass.  
Archives, clv.,  
559.

House Jour-  
nal, pp. 47, 48.

In the House of Representatives

*Resolved* that M<sup>r</sup> Hancock Capt Sheaffe & Coll Williams with such as the Hon<sup>bl</sup> Board shall joyn be a Committee to repair to the Treasurers office in the Recess of the Court take an Account of the Government Securities which have been redeemed see the same consumed to Ashes & report at the next Sitting of this Court

In Council. Read & Concurred and Thomas Hubbard, & Samuel Dexter Esq<sup>rs</sup> are joined. [*Passed July 5.*]



## CHAPTER 10.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

THE FOLLOWING ORDER passed on the Acco<sup>t</sup> of Solomon Otis Esq<sup>r</sup> Treasurer of the County of Barnstable, which was laid before the Court for Allowance, Viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxviii., 36.

*Resolved* that the within Account being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of One hundred Seventeen Pounds, eleven shillings and eight pence, which he has paid by order of the Court of Sessions, that he be further accountable for the Sum of One hundred Eighty five Pounds six shillings, five pence and two farthings, which he is still to account for, when he shall recieve the same. [*Passed July 5.*]

House Jour-  
nal, pp. 28, 49.

## CHAPTER 11.

## RESOLVE DISCHARGING THE PROVINCE TREASURER OF £180,861. 16. 5.

THE COMMITTEE to whom was referred the Examination of the Account of Harrison Gray Esq<sup>r</sup> Treasurer & Reciever General of his Majesty's Revenues, within the Province of the Massachusetts Bay, in New England, beginning 25<sup>th</sup> of May 1768, and ending the 31<sup>st</sup> May 1769, having attended that Service, upon examining the same, find them right cast, and well vouched; by which it appears, that the said Accomptant charges himself with the Sum of Eighty seven thousand three hundred & four Pounds, seven shillings & six pence, being so much due for taxes, as represented by his last Accompts. Also with the Sum of Fifty three thousand, two hundred and seventy Pounds, eighteen shillings, and two pence, being the balance due by last Accounts, also with the Sum of One hundred twenty five thousand Eight hundred & fifty Pounds borrowed of sundry persons, for which Sum, gave Notes payable in June 1769 Also with the Sum of One hundred thirty three Pounds, six shillings and eight pence, recieved from an unknown hand, being so much he apprehended, he ought to pay the Province for Duties upon Rum & Molasses he has run. Also with the Sum of Eleven hundred Seventy nine Pounds, eleven shillings and two pence, recieved of sundry Persons for Lands. Also with the Sum of Twenty three hundred thirty two Pounds fourteen shillings & nine pence, recieved of the Collectors of Excise on spirituous Liquors. Also with the Sum of Twenty three Pounds thirteen shillings & six pence recieved of Asa Douglass & Samuel Warren their part of what they were to pay for the Release of 943 Acres of land. Also with the Sum of Twenty two Pounds four shillings, recieved of sundry Justices for Fines. Also with the Sum of Three hundred & forty eight Pounds, recieved of Commissary Hubbard, being part of the Profits arising from the Indian trade. Also with the Sum of Six hundred and three Pounds, nine shillings & five pence, recieved of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> Commissioner of Impost Duties; all which Sums amount to two hundred, seventy one thousand and Sixty eight Pounds, five shillings and two pence

Legislative  
Records of the  
Council,  
xxviii., 37.  
Mass.  
Archives,  
cxxxv., 362.

Mass.  
Archives,  
cxxxv., 361.  
Legislative  
Records of the  
Council,  
xxviii., 33.  
House Jour-  
nal, p. 48.

The Committee further find that the said Accomptant discharges himself by sundry Payments, and Disbursements, by Order of the Governor and Council, amounting to Ten thousand two hundred, twenty three Pounds, four shillings & four pence.

Also by Government Securities burnt by a Committee of both Houses, amounting with Interest, to One hundred Sixty nine Thousand, and thirty eight Pounds, twelve shillings, & one penny.

Also by Cash paid John Hancock Esq<sup>r</sup> for twelve hundred Pounds sterling, in Bills of Exchange  $33\frac{1}{3}$   $\text{p}$  C<sup>t</sup> equal to Sixteen hundred pounds lawful Money, which was remitted, one half to Richard Jackson Esq<sup>r</sup> and the other half to Dennis Debert Esq<sup>r</sup> Also by outstanding Taxes, due from the several towns, amounting to Fifty one thousand, two hundred thirty two Pounds, two shillings and eight pence. By Balance in hand further to account for Thirty eight thousand, nine hundred Seventy four Pounds, six shillings and one penny. All which Sums amount to Two hundred Seventy one thousand & Sixty eight Pounds, five shillings and two pence.

[Read and]

*Resolved* that the Treasurer & Receiver General of this Province be & he hereby is discharged of the several Sums mentioned in his Accounts amounting to one hundred & Eighty thousand Eight hundred & Sixty one Pounds Sixteen shillings & five pence: And that he be further accountable to the Province for the sum of Fifty one Thousand two hundred thirty two pounds. two shillings & Eight pence represented as outstanding taxes when received by him into the Treasury, and the Sum of thirty Eight thousand nine hundred seventy four pounds Six shillings & one penny being the Ballance remaining in his hands. [*Passed July 5.*]

## CHAPTER 12.

### RESOLVE CONFIRMING THE PROCEEDINGS AT THE TOWN MEETINGS IN ASHFIELD.

Legislative  
Records of the  
Council,  
xxviii., 39.

House Jour-  
nal, pp. 32, 50.  
Province  
Laws, iv., 815,  
chap. 13.

A PETITION of Ebenezer Belding and others a Committee of the town of Ashfield, in the County of Hampshire Setting forth, that a few years since the said Town was incorporated, & a Meeting called by order of the Court for the Choice of Town Officers, but that no return was made upon the Warrant for calling the said Meeting by the person to whom it was directed, and that several other Warrants for calling of the Meetings in said town have not had due Returns made upon them; by means whereof the transactions of the said town, in the said Meetings are looked upon as illegal, and disputes in the Law have arisen, and more are like to arise, unless prevented by the Aid of this Court. And praying that the several Meetings of the said Town since the Incorporation, may be confirmed by an Act of this Court.

Read and

*Resolved* that the prayer of this Petition be granted, & that all the Votes & transactions of the said town of Ashfield in their several Town Meetings since their Incorporation, unto this time be and hereby are ratified and confirmed; any Omission or Neglect of making due & proper Returns on the several Warrants for calling the same Meetings or any of them notwithstanding. [*Passed July 5.*]

## CHAPTER 13.

RESOLVE IMPOWERING JON<sup>A</sup> CAPEN, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Jonathan Capen, Guardian to the Puncapang Indians Setting forth That the Debts of the said Indians amount to Seventy seven pounds, thirteen shillings & nine pence half penny, which have arose for their necessary support, & Maintenance. And inasmuch as their Creditors, are in great want of their just dues, and the Petitioner has no personal Estate, in his Hands to discharge the same. Praying that he may be enabled to sell so much of the said Indian's Land as shall be sufficient for that purpose.

[Read and]

*Resolved* that Jonathan Capen Guardian to the Punkapog Indians be & herby is impowered to Make Sale of so much of the Lands belonging To the Punkapog Indians as shall amount to 77.13.9.2 and the Expence of making Such Sale And to make & Execute a good Deed or Deeds therof In the Law s<sup>d</sup> Guardian observing the Directions of the Law respecting the Sale of real Estates and To be accountable to this Court for his Doings Therin. [*Passed July 6.*]

Legislative  
Records of the  
Council,  
xxviii., 40.  
Mass.  
Archives,  
xxxiii., 495.

Mass.  
Archives,  
xxxiii., 490–494.  
Legislative  
Records of the  
Council,  
xxvii., 139.  
House Jour-  
nal, p. 50.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 246,  
chap. 41.

## CHAPTER 14.

RESOLVE ALLOWING £13. 6. 8 TO THE HEIRS OF ABIJAH STRETTON.

A PETITION of Elizabeth Stratton of Natick Setting forth, That her late Husband Abijah Stratton deceased in his life time viz<sup>t</sup> in January 1768 preferred a Petition to this Court shewing, That Sarah Wompsquon an Aged Indian Woman and lame came to his House in the Winter and a Storm ensuing he was obliged to keep her, as is more particularly mentioned in said Petition; and that as no determination was then come into by the Court for the support of said Sarah, he was obliged to continue to keep her until his own ill Health rendered it difficult for him to do it any longer. That the time of her being with him from first to last is sixty six Weeks which at 4/ <sup>p</sup> Week amounts to £13.4/ And Praying for a reimbursment of the said Sum.

[Read and]

*Resolved* that the Sum of Thirteen pounds Six shillings & Eight pence be allowd & paid out of the publick Treasury to Elizabeth Stretton or her order for the Use & Benift of the Heirs of Abijah Stretton of Natick dec<sup>d</sup> in full for his keeping & taking Care of Sarah Wampsquam an aged Indian Woman Sixty Six weeks pursuant to the Account in said Petition. [*Passed July 6.*]

Legislative  
Records of the  
Council,  
xxviii., 42.  
Mass.  
Archives,  
xxxiii., 502.

Mass.  
Archives,  
xxxiii., 501.  
Legislative  
Records of the  
Council,  
xxvii., 133.  
House Jour-  
nal, pp. 32, 51.

## CHAPTER 15.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF JON<sup>A</sup> GROUT AND OTHERS IN REGARD TO A RE-TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xxviii., 45.  
House Jour-  
nal, pp. 48, 55.

A PETITION of Jonathan Grout, Silence Grout & Priscilla Grout all of Worcester in the County of Worcester Children and Heirs of Jonathan Grout late of Worcester aforesaid Yeoman deceased setting forth That Richard Heard of Sudbury in the County of Middlesex commenced an Action against their mother Hannah Grout as Administratrix of the Estate of their said Father the said Jonathan Grout at the Inferior Court held at Cambridge for the County of Middlesex in May last for a supposed breach of Covenant on a Deed & Conveyance of some Lands given him by their said Father so long ago as the year 1744. That the said Hannah being so much under the influence of the said Richard Heard (her Brother) as not to inform them of the said Action, but suffered herself to be defaulted and Judgment to be had against their said Fathers Estate in her hands for One hundred pounds damages. That the Petitioners apprehend if a fair Trial may be allowed, they shall be able to make it appear there never was any breach of the Covenants in said Deed or any foundation for the said Action, and that there is nothing due to the said Richard in Law nor equity. And praying (as the loss will be wholly the Petitioners) that the Execution of the Judgment aforesaid may be staid, and that they may be allowed in the name of the said Hannah Grout, and at their own Expence a hearing and Trial in the Law of the said Cause.

[Read and]

*Resolved* That the foregoing Petitioners notify the adverse party of the foregoing Petition by leaving an attested Copy thereof with him, that he shew cause, if any he has, the second Thursday of the next Session of the General Court why the prayer thereof should not be granted, and that the Execution above mentioned be stayed in the mean time. [*Passed July 8.*]

## CHAPTER 16.

RESOLVE CONFIRMING A PLAN OF Y<sup>E</sup> GRANT OF LAND MADE TO M<sup>R</sup> EBEN<sup>S</sup> HARTSHORN TRANSFERRED TO CAP<sup>T</sup> MOSES LITTLE.

Legislative  
Records of the  
Council, 48.  
Maps and  
Plans, Mis.,  
xiv., 8.

House Jour-  
nal, pp. 39, 44.  
*Ante*, p. 323,  
chap. 209.

A PLAN and description of part of sixteen hundred Acres of Land granted to M<sup>r</sup> Ebenezer Hartshorn (which Grant he has since sold to Cap<sup>t</sup> Moses Little of Newbury and by him laid out in the County of Cumberland between New Gloucester and the Pejepscoot Claim and Bakers Town so called) was laid before the Court and is bounded as followeth Beginning at a Beach Tree standing on the Easterly Line of said Bakers Town distant four Miles S.W. from the great Falls or twenty mile Falls so called in Androscooggin River being the S.W. corner bound of the said Pejepscoot Claim; then runing from said Beach Tree 470 Rods S.W. on the East line of said Bakers Town to a Fir Tree standing on New Gloucester Line which is marked **M. L.** from thence S.E. by S. upon New Gloucester Line

1,340 Rods 'till it intersects the Pejepscot Line at a Pine tree marked **M. L** from thence running upon the Pejepscot curved Line parallel to Androscoggin River and four Miles distant therefrom on a S.W. course to the Beach Tree first abovementioned, and contains 1,343 Acres, exclusive of 150 Acres of Morass or Bog.

Dated Novem<sup>r</sup> 9<sup>th</sup> 1768 Signed **p** JOHN BROWN jun<sup>r</sup> Surveyor.

Whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the within Plan of fourteen hundred & ninety three Acres Of land Delineated and Discribed as it is Set forth therein; also another Strip of Land Containing about forty five Acres being the whole of the Province land lying in a Gore between New Gloucester & the Pejepscutt Curved line as may also appear by the within Plan; be accepted & hereby is Confirmed unto Capt<sup>n</sup> Moses Little (a Grantee of Ebenezer Hartshorn), to him the said Moses Little his Heirs & assigns forever in lieu of, and in full Satisfaction for the Grant made by the General Court the 2<sup>d</sup> day of March A.D. 1768, of Sixteen hundred Acres of land to the said Ebenezer Hartshorn for his Services Sufferings & purchases in his petition mentioned; PROVIDED that both said pieces of land do not Exceed the Quantity of Sixteen hundred Acres (Exclusive of One hundred & fifty Acres of Morass or Bogs,) nor interfere with any former grant. [*Passed July 11.*]

## CHAPTER 17.

### RESOLVE ALLOWING £14.12.1 TO REV. STEPHEN BADGER.

A MEMORIAL of Stephen Badger of Natick Clerk, Praying that he may be reimbursed the Sum of £14.12.1 which he expended for the support of Sarah Wampsqon and Thankful Figgins and her Child Indians of Natick, they being destitute of the necessaries of life, And that provision may be made for the future support of the said Indians and such others as may be under the like circumstances.

[Read and]

*Resolved* that the Sum of fourteen pounds twelve Shillings & one penny be allowed & paid out of the publick Treasury to the Revd M<sup>r</sup> Stephen Badger in full Discharge of his Account of Disburstment for Sarah Wampsqam & Thankful Figgins & her Child to this day. And that for the future the Selectmen of Natick & overseers of the poor in said Town be & hereby are required to take due Care of the Support of Sarah Wampsqam untill this Court shall come into some suitable measures for the support of all poor & indigent Indians within this Province. [*Passed July 11.*]

Legislative  
Records of the  
Council,  
xxviii., 49.  
Mass.  
Archives, xiv.,  
553.

Mass.  
Archives, xiv.,  
552. House  
Journal,  
pp. 32, 50.  
*Ante*, p. 381,  
chap. 14.

## CHAPTER 18.

### RESOLVE IMPOWERING HENRY WRIGHTINGTON, ADM<sup>r</sup>, TO SELL REAL ESTATE.

A PETITION of Henry Wrightington Admin<sup>r</sup> of the Estate of Samuel Jenne late of Dartmouth in the County of Bristol deceased setting forth That the deceaseds debts amount to £91.13.10 more than his Personal Estate. And as the Superior Court for the

Legislative  
Records of the  
Council,  
xxviii., 50.

House Jour-  
nal, pp. 55, 65.



Province  
Laws, ii., 151,  
chap. 10.

said County will not sit 'till October next and the Creditors are in want of their Money Praying that he may be impowered to make Sale of so much of the Real Estate of the said deceased as to enable him to discharge the said debts and the Interest thereon.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered to make sale of so much of the said deceaseds Real Estate as will fetch the sum of Ninety seven pounds (where it can be best spared and least prejudicial to the remainder) and to make and execute a good Deed or Deeds in Law of the same to the purchaser; He observing the Rules and directions of the Law for the Sale of Real Estates by Executors and Admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Bristol that the Money arising by said Sale be applied for the purposes mentioned in this Petition. [*Passed July 11.*]

## CHAPTER 19.

### RESOLVE IMPOWERING JOB JENNE, ADM<sup>s</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxviii., 50.

House Jour-  
nal, pp. 55, 65.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Job Jenne of Dartmouth in the County of Bristol Admin<sup>r</sup> de bonis non of the Estate of Silvanus Tobey late of said Dartmouth deceased Setting forth That the deceased debts amount to £90.3.3¼ more than his Personal Estate. And praying that he may be impowered to make sale of the whole of the said deceaseds Real Estate consisting of about twenty five Acres of Land in said Dartmouth to enable him to discharge the said debts.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered to make Sale of the Real Estate of the said deceased for the most it will fetch, and to make and execute a good Deed or Deeds in Law of the same; he observing the Rules of the Law for the Sale of Real Estates by Executors & admin<sup>rs</sup>, and giving caution to the Judge of Probate for the County of Bristol that the Money arising by said Sale be applied for the purposes mentioned in this Petition. [*Passed July 11.*]

## CHAPTER 20.

### ORDER DIRECTING THE SELECTMEN OF BOSTON TO BUILD A HEAD WHARF OR SEA WALL AT THE PROVINCE HOSPITAL AT WEST BOSTON.

Legislative  
Records of the  
Council,  
xxviii., 51.  
Mass.  
Archives,  
lxxxvii., 375.

Mass.  
Archives,  
lxxxvii., 374.  
House Jour-  
nal, pp. 63, 65.  
*Ante*, p. 252,  
chap. 67.

A MEMORIAL of the Selectmen of the Town of Boston Setting forth That the Hospital at the West part of the said Town belonging to the Province and placed under the care of the memorialists is out of Repair and in danger of being washed away by the Sea, unless a piece of head Wharfe is erected. And praying the directions of this Court respecting the same.

Read &

*Ordered* that the Selectmen of the Town of Boston be & hereby are Directed, to Errect & build ahead wharf or Sea wall of Stone



against the Salt watter at the Province hospitall at west Boston and Such other Small repares as may be thought needfull for Securing and preserving the Said hospitall. and lay thire Accounts of Disburstments and Expences before this Court as Soon as may be for their approbation. [*Passed July 11.*]

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## CHAPTER 21.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £16. 5. 4 TO ROBT BALLS.

A PETITION of Robert Balls Keeper of the Lighthouse in the Harbour of Boston Setting forth, That on the 19<sup>th</sup> day of Novem<sup>r</sup> last he completed the thirty fifth year of his Service in that station for the last of which he hath as yet received no compensation. And praying an allowance therefor, and also a reimbursment of the sum of £16.5.4 which he advanced for thirty Cords of Wood for the benefit of the Light.

[Read and]

*Resolved* That there be allowed and paid out of the public Treasury to Robert Balls Keeper of the Lighthouse in the Harbour of Boston the Sum of Sixty pounds for his Services for one year ending the 19<sup>th</sup> day of November 1768 and the further Sum of Sixteen pounds five shillings and four pence for thirty Cord of Wood expended at said Light House. [*Passed July 11.*]

Legislative  
Records of the  
Council,  
xxviii., 51.

House Jour-  
nal, pp. 63, 65.

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## CHAPTER 22.

RESOLVE IMPOWERING MARY MERICK, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Merick of Concord in the County of Middlesex Widow of Tilly Merick late of said Concord deceased setting forth That the said deceased died possessed of four Rights of Land in a Township granted by the General Court called Number five, subject to certain Conditions of Settlement That the deceased left four small Children which will require no small charge to bring up. And praying that she may be empowered in her capacity of Admin<sup>rx</sup>, to make sale of part of the said Lands to enable her to bring forward the settlement of the remainder and to maintain her said four Children.

[Read and]

*Resolved* that the prayer of this Petition be so far granted as that the Petitioner be and she hereby is fully authorized and empowered to make sale of fifty Acres out of each Right mentioned in the Petition for the most the same will fetch, and to execute a good Deed or Deeds in the Law of the same; she observing the directions of the Law for the sale of Real Estates by Executors and Administrators, and giving caution to the Judge of Probate for the County of Middlesex that the Monies arising by the said Sale be applied to the purposes mentioned in the Petition. [*Passed July 11.*]

Legislative  
Records of the  
Council,  
xxviii., 51.

House Jour-  
nal, pp. 29, 64.  
Province  
Laws, ii., 151,  
chap. 10; xvii.,  
243, chap. 50.

## CHAPTER 23.

RESOLVE ALLOWING £22.7.9½ TO THE COM<sup>TEE</sup> FOR VIEWING THE COUNTY OF BARNSTABLE.

Legislative  
Records of the  
Council,  
xxviii., 52.

House Jour-  
nal, p. 28 (1768).

AN ACCOUNT was presented by Edward Sheaffe Esq<sup>r</sup> and M<sup>r</sup> Walter Spooner a Committee appointed by the House of Representatives in June last to view the County of Barnstable amounting to the Sum of £22.7.9½ being for their time and expences in that service.

[Read and]

*Resolved* that the foregoing Account being well vouched be allowed, and that the Sum of Twenty two pounds, seven shillings and nine pence half penny be allowed and paid out of the public Treasury to Edward Sheaffe Esq<sup>r</sup> and M<sup>r</sup> Walter Spooner in proportion to their several Accounts as above exhibited.<sup>1</sup> [*Passed July 11.*]

## CHAPTER 24.

RESOLVE ALLOWING FURTHER TIME TO THE HEIRS OF PELEG WISWALL TO LAY OUT A TRACT OF LAND.

Legislative  
Records of the  
Council,  
xxviii., 52.

House Jour-  
nal, pp. 39, 50,  
51. *Ante*,  
p. 244, chap. 38;  
p. 382, chap. 16.

A PETITION of Daniel Wiswall and John Wiswall Sons of Peleg Wiswall late of Boston Gentleman deceased Setting forth That their said Father having conveyed to them by Deed all his Right and Title to five hundred Acres of Land granted to him by the General Court in June 1765 they have caused the same to be laid out between New Gloucester and the Pejepscot Claim, according to the Plan exhibited. And praying the confirmation of this Court.

Whereas a Grant was made by the General Court to Peleg Wiswall and a Plan returned to this Session: and whereas said Plan was laid out on Land laid out before to Ebenezer Hartshorn Therefore

*Resolved* that twelve Months further be allowed to the Heirs of Peleg Wiswall aforesaid to lay out the Grant aforesaid and return a plan of the same under the hand of a Surveyor and Chainmen under Oath for the acceptance of this Court. [*Passed July 11.*]

## CHAPTER 25.

RESOLVE CONFIRMING A GRANT OF A TOWNSHIP TO JOSIAH RICHARDSON AND OTHERS.

Legislative  
Records of the  
Council,  
xxviii., 53.  
Maps and  
Plans, Mis.,  
xxxv., 9.

House Jour-  
nal, pp. 41, 61,  
62. *Ante*,  
p. 344, chap. 26.

A PLAN of a Township of the contents of six Miles and three quarters square granted to Josiah Richardson and others the 9<sup>th</sup> day of June 1768 was laid before the Court: whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the within Plan of a Township of the Contents of Six miles and three Quarters Square, Granted to Josiah Richardson and others mentioned in their petition whose Ancestors were in the Expedition against Canada in 1690 bounded as follows Viz<sup>t</sup> beginning at a heap of Stones, one mile and a Quarter Northward of

<sup>1</sup> Final action not found in the House Journal.

Androscoggin River thence running South 20 Degrees East, Crossing said River by a Whitewood Tree, near the mouth of a brook, known by the name of Hacket's brook four miles and a half, thence north 70 Degrees East nine miles, thence north 20' Degrees ' West four miles & an half Crossing said River, thence west 2 Deg<sup>s</sup> South four miles; thence west 35 Deg<sup>s</sup> South five miles & One hundred & twenty rods, to the Corner first mentioned; be accepted and hereby is Confirmed unto the aforesaid Petitioners their heirs & assigns forever, they complying with the following Conditions Viz<sup>t</sup> the Grantees within Six years Settle Seventy nine families in said Township, build a house fit for Public Worship and Settle a learned Protestant Minister and lay out one Eighty third part for the first Settled minister One Eighty third part for the use of the Ministry one Eighty third part for the use of a School in said Town and One Eighty third part for the use of Harvard College forever, Provided the same doth not exceed the Quantity of Six miles and three Quarters Square (being twenty nine thousand One hundred and Sixty Acres) Exclusive of Seven hundred & twenty Acres, Allowance for that part of Androscoggin River in said Township nor interfere with any former Grant, One rod in thirty being allowed for Sag of Chain and no more. [*Passed July 12.*]

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## CHAPTER 26.

### RESOLVE ABATING £41. 6. 8 TO SAM<sup>L</sup> WILLIAMS.

A PETITION of Samuel Williams praying an abatement of part of a Judgment of Court obtained against him by the Collector of Excise for the County of Suffolk for the Sum of £61. 6. 8.

Read and

*Resolved* That the prayer of the Petition be so far granted as that the Petitioner be and he hereby is abated the Sum of forty one pounds, six shillings and eight pence lawful money part of the within sum of Sixty one pounds, six shillings and eight pence, and that he pay only the remaining sum of Twenty pounds lawful money and Costs of Court in full satisfaction of the Judgment within mentioned. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 54.

House Jour-  
nal, pp. 207, 209  
(March, 1768);  
pp. 60, 66,  
*Ante*, p. 325,  
chap. 214.

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## CHAPTER 27.

### RESOLVE REFERRING CONSIDERATION OF A BILL IN REGARD TO MINISTERIAL TAXES AND ORDER FORBIDING THE COLLECTION OF TAXES IN THE MEANTIME.

A BILL intituled "An Act to impower the Inhabitants of the Town of Newbury Port belonging to the several Religious Societies within the same to raise money for defreying ministerial and other incidental and necessary charges" having been Read in the House of Representatives the following Order passed in consequence thereof viz<sup>t</sup>

*Resolved* that the further consideration of the Bill, to impower the Inhabitants of Newbury-Port to raise Money, for defreying Min-

Legislative  
Records of the  
Council,  
xxviii., 55.  
Mass.  
Archives, xiv.,  
544.

Mass.  
Archives, xiv.,  
539. Legis-  
lative Records  
of the Council,

<sup>1</sup> *Sic.*

xxvi., 296;  
xxvii., 81, 166,  
203, 321, 329,  
338; xxviii., 25,  
47, 49. House  
Journal, pp. 35,  
37, 60, 66, 67.  
Province  
Laws, v., 40,  
chap. 13.

isterial and other incidental charges in said Town, be referred to the next Sessions of this Court; And further

*Ordered* that in the mean Time no Taxes for the support of the Ministry or other incidental charges, in the first Parish in Newbury, shall be laid or assessed upon any Person or Persons, belonging either to the Town of Newbury or Newbury-Port, who have petitions now depending in this Court, praying for relief in the premisses, until the same petitions shall be passed upon in this Court, unless by mutual consent and agreement of the Parties. [*Passed July 12.*]

## CHAPTER 28.

### RESOLVE GRANTING £800 TO THE JUSTICES.

Legislative  
Records of the  
Council,  
xxviii., 58.  
Mass.  
Archives,  
xliv., 678.  
House Jour-  
nal, p. 66.

*Resolved*, That the Sum of Eight hundred pounds be granted and paid out of the publick Treasury to the honorable Justices of the Superior Court of Judicature Court of Assize and General Goal Delivery, for their Services for one Year ending the first day of January last. [*Passed July 12.*]

## CHAPTER 29.

### RESOLVE ALLOWING £50 TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xxviii., 58.  
House Jour-  
nal, p. 53.

*Resolved* That the Sum of Fifty pounds be granted and allowed to be paid out of the publick Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province for his services for one year ending the sixth day of Decem<sup>r</sup> last. [*Passed July 12.*]

## CHAPTER 30.

### RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xxviii., 58.  
Mass.  
Archives, l.,  
311.  
House Jour-  
nal, p. 53.  
*Supra*, chap.  
29.

*Resolved*, That the Sum of Ninety pounds be granted and allowed to be paid out of the publick Treasury, to the honorable Andrew Oliver, Esq<sup>r</sup> Secretary of this Province, in Consideration of his extraordinary Service to the Sixth Day of December last. [*Passed July 12.*]

## CHAPTER 31.

### RESOLVE ALLOWING £267 TO THE TREASURER.

Legislative  
Records of the  
Council,  
xxviii., 58.  
Mass.  
Archives, clv.,  
561.  
House Jour-  
nal, p. 54.

*Resolved*, That the Sum of Two hundred and Sixty Seven pounds be granted and allowed to be paid out of the publick Treasury, to the honorable Harrison Gray, Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues of this Province, for one year's Service, ending the Twenty Third Day of December last. [*Passed July 12.*]

## CHAPTER 32.

## RESOLVE ALLOWING £200 TO THE COMMISSARY GENERAL.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury to the honorable Thomas Hubbard, Esq<sup>r</sup> Commissary-General, the Sum of Two hundred pounds for one Year's Service, ending the Eleventh Day of January last. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 58.  
Mass.  
Archives, l.,  
312.  
House Jour-  
nal, pp. 54, 55.

## CHAPTER 33.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury the Sum of Four Shillings per Diem to the honorable Thomas Cushing, Esq<sup>r</sup> Speaker of the House, for every Day of his Attendance in the General Court, from the opening of the Session, on the Twenty fifth Day of May to the Thirtyeth of June 1768. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 59.  
Mass.  
Archives, l.,  
313.  
House Jour-  
nal, p. 54.

## CHAPTER 34.

## RESOLVE GRANTING £60 TO THE CLERK OF THE HOUSE.

*Resolved* that there be granted and paid out of the Public Treasury the Sum of Sixty pounds to M<sup>r</sup> Samuel Adams for his Services ordinary and Extraordinary as Clerk to the House of Representatives the last year. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 59.  
Mass.  
Archives, l.,  
315.  
House Jour-  
nal, pp. 55, 65,  
66.

## CHAPTER 35.

## RESOLVE ALLOWING £100 TO THE DOORKEEPER.

*Resolved* That there be allowed and paid out of the Public Treasury the Sum of One hundred pounds to M<sup>r</sup> William Baker Doorkeeper to his Excellency the Governor and this Court for his service for one year to be paid Quarterly. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 59.  
House Jour-  
nal, pp. 55, 64,  
66.

## CHAPTER 36.

## RESOLVE ALLOWING £50 TO THE LIEUTENANT OF CASTLE WILLIAM.

*Resolved* That there be allowed and paid out of the Public Treasury the sum of Fifty pounds to John Phillips Esq<sup>r</sup> Lieutenant of his majesty's Garrison at Castle William in consideration of his faithful discharge of that trust ending the twenty sixth day of January last. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 59.  
House Jour-  
nal, p. 54.

## CHAPTER 37.

Legislative  
Records of the  
Council,  
xxviii., 59.  
Mass.  
Archives, xiv.,  
554.  
House Jour-  
nal, p. 54.

RESOLVE ALLOWING £40 TO CHAPLAINS OF CASTLE WILLIAM.

*Resolved*, That there be allowed and paid out of the publick Treasury, to the Chaplains who officiated at Castle-William, (to each in Proportion to the Time he has officiated) the Sum of Forty pounds in Consideration of their faithful Discharge of their Trust. for one year Ending the 25 day of January last. [*Passed July 12.*]

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## CHAPTER 38.

RESOLVE ALLOWING £6 TO THE CHAPLAIN OF THE TWO HOUSES.

Legislative  
Records of the  
Council,  
xxviii., 59.  
House Jour-  
nal, p. 54.

*Resolved* That there be allowed and paid out of the public Treasury the sum of Six pounds to the Rev<sup>d</sup> Doctor Samuel Cooper Chaplain to the hon<sup>ble</sup> Board and the hon<sup>ble</sup> House of Representatives the last year. [*Passed July 12.*]

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## CHAPTER 39.

RESOLVE ALLOWING £200 TO THE EXECUTORS OF THE LATE PRESIDENT OF HARVARD COLLEGE FOR HIS HEIRS.

Legislative  
Records of the  
Council,  
xxviii., 60.  
Mass.  
Archives,  
lviii., 5784.  
House Jour-  
nal, p. 53.

*Resolved* that the Sum of Two hundred pounds be granted & allowed to be paid out of the Public Treasury to the Executors of the last will of the Reverend M<sup>r</sup> Edward Holyoke late President of Harvard Colledge in Cambridge Deceased, over & above the Rents of Massachusetts Hall, for his Services for Nine months Ending the 10 June last, for the use of the Heirs of said Edward Holyoke. [*Passed July 12.*]

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## CHAPTER 40.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative  
Records of the  
Council,  
xxviii., 60.  
Mass.  
Archives,  
lviii., 579.  
House Jour-  
nal, p. 54.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury, to John Winthrop, Esq<sup>r</sup> Hollisian Professor of the Mathematicks and natural Philosophy at Harvard-College in Cambridge, the Sum of One hundred pounds as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, for one year. Ending the Thirteenth day of January last. [*Passed July 12.*]



## CHAPTER 41.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury, to M<sup>r</sup> Edward Wigglesworth, Hollisian-Professor of Divinity at Harvard-College in Cambridge, the Sum of One hundred pounds as a Gratuity in Consideration of his faithful Discharge of the great and important Trust reposed in him, for one year Ending the Twenty fifth day of January last. [*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 60.  
Mass.  
Archives,  
lviii., 579<sup>a</sup>.  
House Jour-  
nal, p. 54.

## CHAPTER 42.

## RESOLVE ALLOWING £30 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

*Resolved* That there be granted & allowed to be paid out of the Public Treasury the Sum of Thirty Pounds to M<sup>r</sup> Stephen Sewall Professor of the Hebrew & other Oriental Languages at Harvard Colledge as a Gratuity in Consideration of his faithful Discharge of that Important Trust the last year. [*Passed July 12.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xxviii., 60.  
Mass.  
Archives,  
lviii., 578.  
House Jour-  
nal, p. 54.

## CHAPTER 43.

RESOLVE ALLOWING £100 TO AND<sup>w</sup> OLIVER, ESQ<sup>r</sup>, SECRETARY.

A PETITION of Andrew Oliver Esq<sup>r</sup> Secretary of the Province Set-  
ting forth That as the General Court had for divers years past made  
a Grant to the Petitioner to enable him to procure assistance in his  
Office: and as such Grant has never been less than One hundred  
pounds lawful money for the year, he did the last Winter (at the  
usual time of making the Grants) pay the Sum of One hundred  
pounds to his Deputy for his assistance in the Office. And praying  
that this Court would order him a reimbursment of the said Sum,  
and make him such further Grant for the purpose aforesaid as shall  
be judged equitable.

Read &

*Resolved* that the Sum of One hundred pounds be allowed & paid  
out of the Publick Treasury to the Honourable Andrew Oliver Esq<sup>r</sup>  
Secretary to this Province to Enable him to pay for Assistance in  
his Office for one year Ending the Sixth Day of December last.  
[*Passed July 12.*]

Legislative  
Records of the  
Council,  
xxviii., 61.  
Mass.  
Archives, l.,  
308.  
Mass.  
Archives, l.,  
307. House  
Journal, pp. 62,  
63, 64.

<sup>1</sup> The date given in Mass. Archives, as final, in Council, is June 12, which is evidently a mistake, as the order gives the date of its having passed the House on July 6.

## CHAPTER 44.

Legislative  
Records of the  
Council,  
xxviii., 62.

Legislative  
Records of the  
Council,  
xxviii., 325.  
House Jour-  
nal, pp. 37, 40,  
71. *Ante*,  
p. 377, chap. 5.

ORDER ALLOWING £6.8.7 TO THE COM<sup>TEE</sup> FOR SETTLING THE LINE  
BETWEEN SUTTON & UXBRIDGE.

*Ordered* That there be paid out of the Public Treasury to Samuel Dexter Esq<sup>r</sup> and others a Committee appointed by the General Court to view & settle the Line between the Towns of Sutton and Uxbridge, the Sum of Six pounds, eight shillings and seven pence in full discharge of their respective Accounts, and that the same sum be added to the Tax of the Town of Uxbridge in the next years Tax Act agreeable to the Order of this Court the present Session. [*Passed July 13.*]

## CHAPTER 45.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION  
OF KATH<sup>A</sup> WHEELER IN REGARD TO AN ACTION.

Legislative  
Records of the  
Council,  
xxviii., 63.

House Jour-  
nal, pp. 69,  
71, *bis*.

A PETITION of Katharine Wheeler of Concord in the County of Middlesex Spinster Setting forth, That Joseph Brightman of Boston Merchant brought his Action against her as Agent or Trustee of John Gould jun<sup>r</sup> late of said Boston merch<sup>t</sup> deceased, and recovered Judgment against her in the Inferior Court held at Concord for the said County of Middlesex in Septem<sup>r</sup> last for Twelve pounds, eighteen shillings and one penny damages and £3.16.11 costs of Court, when in fact she was not indebted to the said Gould in the sum of Three pounds. And inasmuch as the said Judgment was obtained against the Petitioner in her absence from home and contrary to the agreement of the said Brightman, Praying that she may be empowered to make a defence in said Action in the same manner as she might have done had she not been absent, And that Execution may be staid in the mean time.

[Read and]

*Resolved* That the prayer of the within Petition be so far granted as that the Petitioner serve the adverse party with a Copy of this Petition that he shew cause, if any he hath, on the second Tuesday of the next sitting of the General Court why the prayer thereof should not be granted, and that the Execution in said Petition mentioned be staid in the meantime; the Petitioner giving security to respond the Judgment that may finally be obtained against her in the suit in said Petition mentioned. [*Passed July 13.*]

## CHAPTER 46.

RESOLVE ALLOWING £95 TO H. YOUNG BROWN AND APPOINTING A  
COMMITTEE TO REPORT ON CERTAIN LANDS.

Legislative  
Records of the  
Council,  
xxviii., 63.

House Jour-  
nal, pp. 27, 38,

In the House of Representatives.

*Resolved* That the Petitioner Henry Young Brown be allowed and paid out of the Province Treasury the Sum of Ninety five pounds in full discharge of his Account and all expences and charges of

Courts which have arose in his prosecuting the Orders of the General Court in June 1766 as mentioned in his Petition, and that he proceed no further in the Law at the expence of this Province until the Line between this Province and the Province of New Hampshire shall be fully settled and determined and until the further Order of this Court, and that M<sup>r</sup> Humphrey Hobson and Solomon Lombard Esq<sup>r</sup> with such as the hon<sup>ble</sup> Board shall join be a Committee to proceed to Pigwacket at the Petitioners expence, and make a particular examination of what hath been done by him and those settled under him on the Land which is in dispute between Warren's Line and Bryant's Line, and also examine the Resolves, Orders and directions of the General Court respecting their Grant &c to the Petitioner, and also to make a particular enquiry whether it was not evident at the time of the Grant of the above mentioned Land that it did interfere with any former Grant: The Committee to draw up a proper state of the whole affair that truth may appear, and report their opinion at the next sitting of the Court what is necessary for this Court to do in order that justice may be done both to the Government and the Petitioner, and that he be allowed to take a Survey of so much of the unappropriated Land of this Province to the Eastward of Saco River as the abovementioned Committee shall direct, and make out a Plan of the same to be returned to the General Court for them to act upon as they shall think proper; such Survey to be taken by a Surveyor and Chainmen under Oath.

In Council, Read and Concurred, and Jeremy Powell Esq<sup>r</sup> is joined in the affair. [*Passed July 13.*]

39, 40, 45, 61, 66,  
67. *Ante*,  
p. 140, chap. 55;  
p. 202, chap.  
192.

## CHAPTER 47.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

THE FOLLOWING ORDER passed on the Account of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex which was laid before the Court for allowance viz<sup>t</sup>

*Resolved* That the within Account being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of Three hundred and sixteen pounds three shillings and three pence two farthings which he has paid by order of the Court of Sessions including his own Commissions, and that a balance remains in his hands of One hundred eleven pounds, three shillings, seven pence and one farthing which he is still to account for. [*Passed July 13.*]

Legislative  
Records of the  
Council,  
xxviii., 64.

House Jour-  
nal, pp. 28, 70.

## CHAPTER 48.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

THE FOLLOWING ORDER passed on the Account of John Chandler Esq<sup>r</sup> Treasurer of the County of Worcester which was laid before the Court for allowance viz<sup>t</sup>

*Resolved* That the said Treasurer be discharged of the Sum of Three hundred ninety three pounds nineteen shillings and nine

Legislative  
Records of the  
Council,  
xxviii., 65.

House Jour-  
nal, pp. 28, 31.

*Ante*, p. 347,  
chap. 31.

pence which he has paid by order of the Court of General Sessions of the peace including his own Commissions and the Taxes laid on the Town of Woodstock for the year 1768, and that he be further accountable for the Sum of Two hundred twenty two pounds nine shillings, eight pence and three farthings now outstanding, and also for the Tax laid on the Town of Woodstock when he shall receive the same. [*Passed July 13.*]

## CHAPTER 49.

RESOLVE IMPOWERING CHAS<sup>r</sup> DABNEY, GUARDIAN, TO SELL A CERTAIN EQUITY AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 65.

House Jour-  
nal, pp. 36, 71.

A PETITION of Charles Dabney of Boston Merch<sup>t</sup> for himself and as Guardian of his two Brothers Nathaniel Dabney and John Dabney minors, Children and Heirs of Charles Dabney late of Boston Staymaker deceased Setting forth That their said Father in his life time mortgaged his Dwelling House situate in Long Lane in said Boston for One hundred pounds lawful Money (a Sum far short of its real value) which has since his decease been put in suit and possession thereof taken by James Smith Esq<sup>r</sup> the mortgagee. And as the term or right of redemption is now nearly expired and the Petitioner and his said Wards in danger of being foreclosed, Praying that he may be impowered to make sale of the said Tenement or dwelling House in order to discharge the said mortgage; The Widow, now the Wife of Doctor Eleazer Harlow who has a right of Dower therein, and the said Eleazer having signified their Consent thereto.

[Read and]

*Resolved* That the prayer of the Petition be so far granted as that the Petitioner be and he is hereby impowered to make sale of his and the said Nathaniel and John Dabney's Right or equity of redemption in the Tenement mentioned in said Petition for the most the same will fetch, and to make and execute a good Deed or deeds of the same to the purchaser or purchasers, and that the purchaser or purchasers have the same and as full and ample right and power of redeeming the same Tenement as the Petitioner and the said Nathaniel and John now hath; the Petitioner giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said Sale be divided among the Heirs according to Law. [*Passed July 13*]

## CHAPTER 50.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative  
Records of the  
Council,  
xxviii., 66.

House Jour-  
nal, pp. 28, 70.

THE FOLLOWING ORDER passed on the Account of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk, which was laid before the Court for allowance viz<sup>t</sup>

*Resolved* That the within Account being right cast and well vouched be allowed, and that the Treasurer be discharged of the Sum of One thousand five hundred forty pounds, eleven shillings

three pence and two farthings which he has paid by order of the Sessions including his own Commissions and that a balance remains in his hands of Fifty pounds, ten shillings nine pence and one farthing, and also outstanding debts the sum of Three thousand four hundred one pounds, one shilling three pence and two farthings which the said Treasurer is still to account for when he shall receive the same. [*Passed July 13.*]

## CHAPTER 51.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

THE FOLLOWING ORDER passed on the Account of Robert Luscombe Esq<sup>r</sup> late Treasurer of the County of Bristol which was laid before the Court for allowance viz<sup>t</sup>

*Resolved* That the within Account being right cast and well vouched (except a mistake in voucher N<sup>o</sup> 16 of four shillings and 8<sup>d</sup>) be allowed, and that there is a balance due to the said Treasurer of the Sum of Fifty two pounds, seventeen shillings and eleven pence half penny which he is to receive out of the outstanding Money due from several Towns to the said County, the whole of the outstanding Money being One hundred and four pounds two shillings and ten pence, and the remainder of the outstanding money being Fifty one pounds, four shillings and eleven pence half penny the present Treasurer George Godfrey Esq<sup>r</sup> is to account for when he receives the same. [*Passed July 13.*]

Legislative  
Records of the  
Council,  
xxviii., 67.

House Jour-  
nal, pp. 28, 43.

## CHAPTER 52.

### ORDER DIVIDING THE SOUTH PRECINCT OF READING INTO TWO PRECINCTS, ETC.

Read and

*Ordered*, That the South Precinct in Reading be and hereby is divided into two Precincts in the following manner and by the following Bounds; that is to say, beginning at Stoneham Line at a heap of Stones at the Southeasterly corner of Jonathan Weston's Homestead, from thence to a white Oak Tree at the Southwardly corner of Isaac Burnap's and Jabez Damon's Pasture called Barehill Pasture, from thence Eastwardly as the Fence now stands on the Southwardly side of said Pasture 'till it comes to the Road near the Stone Bridge at Barehill Brook so called; from thence Northwardly on the Road till it comes to the northeastwardly end of the Causeway at the three Bridges so called, from thence to the Southwestwardly corner of Lieu<sup>t</sup> Jonathan Pool's Farm; from thence on the Fence on the southerly side of said Pool's Land 'till it comes to the Road leading from said Pool's to the Meeting House; from thence north-east 'till it comes to Lynn line; excepting Thomas Eaton, Jonathan Eaton, Joshua Eaton, Thomas Eaton the third and Edmund Eaton with their Lands they are now respectively in possession of, and their other Estates, who altho' included in said Bounds shall remain

Legislative  
Records of the  
Council,  
xxviii., 68.

Legislative  
Records of the  
Council,  
xxvii., 116, 145,  
324; xxviii.,  
30, 36. House  
Journal, pp. 37,  
40, 48, 49, 73, 74.

to the South Precinct to all intents and purposes whatsoever, as fully as if they and their Lands aforesaid lay South of said Line.

And whereas the said Precinct have obtained a Vote to build a meeting House and have made two Taxes, the one for raising Four hundred pounds lawful money, the other for Two hundred pounds like Money; which Assessments have been committed and are now in the hands of the Constables to Collect, but the first Tax for four hundred pounds only has been paid, and that but in part: It is therefore further

*Ordered*, That the North part of the said Precinct shall be and hereby is exempted from paying any other Tax towards the meeting House in the South Precinct, save the first four hundred pounds.

It is further

*Ordered* That the cost arising by the Committee's going the last year to view the South Precinct amounting to nine pounds, seven shillings be paid by the whole Parish. [*Passed July 14.*]

## CHAPTER 53.

RESOLVE ALLOWING £133 TO H. GRAY, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xxviii., 70.  
Mass.  
Archives, civ.,  
557.

Mass.  
Archives, civ.,  
556. House  
Journal, pp. 72,  
73. *Ante*,  
p. 388, chap. 31.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province Setting forth, That over and above the ordinary services and duties of his Post, he has borrowed of sundry Persons £157,000, for which he gave Government securities That he has likewise paid the Bounty on Wheat and Flour to several hundred persons. And with gratitude acknowledging the Grant already made him for his common services, And praying a further allowance.

[Read and]

*Resolved* that there be allowed & paid out of the Public Treasury the Sum of One hundred & Thirty three pounds to the Hon<sup>ble</sup> Harrison Grey Esq<sup>r</sup> Treasurer & Receiver General for this Province, in full for his Extraordinary Services for one year Ending the Twenty third day of December 1768. [*Passed July 14.*]

## CHAPTER 54.

RESOLVE ALLOWING £6 TO REV<sup>D</sup> M<sup>R</sup> APPLETON, CHAPLAIN.

Legislative  
Records of the  
Council,  
xxviii., 70.  
Mass.  
Archives, xiv.,  
555.

House Jour-  
nal, p. 75.

In the House of Representatives

*Resolved* that there be allow'd & paid out of the publick Treasury the Sum of Six pounds to The Rev<sup>d</sup> M<sup>r</sup> Nathaniel Appleton Chaplain to The Hon<sup>ble</sup> Board & to this House the present Session.

In Council Read & Concurred. [*Passed July 14.*]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is July 13.



## CHAPTER 55.

RESOLVE IMPOWERING MIRIAM AND JOS: BILLINGS, EXECUTORS, TO  
SELL REAL ESTATE.

A PETITION of Miriam Billings and Joseph Billings Executors of the last Will and Testament of Ebenezer Billings late of Milton in the County of Suffolk Husbandman deceased Setting forth That the said deceased by his Will gave his Real Estate to his three Sons in equal parts, they paying among other Legacies to his daughter Mary Billings £66.13.4 when she should arrive to the age of eighteen years That the said Mary is now of the age of eighteen years and upwards, and the said three Sons of the deceased are all Minors. That the whole personal Estate not specifically bequeathed is insufficient to pay the just debts, and that no part of the personal Estate was bequeathed to the said Minors. And praying that they may be empowered in their said capacity to make sale of so much of the said Testators Real Estate as to enable them to discharge his just debts and the Legacy aforesaid.

[Read and]

*Resolved* That the prayer of this Petition be granted, and the Petitioners in their capacity be and hereby are empowered to make sale of so much of the deceaseds Real Estate as will be sufficient to pay that one Legacy mentioned in this Petition to the amount of Sixty six pounds, thirteen shillings, and four pence, together with so much more of said Real Estate as is sufficient to pay the said deceaseds just debts and charges arising by such sale for the most the same will fetch, where it can be best spared and least prejudicial to the remainder, and to make and execute a good Deed or deeds in Law to the purchaser or purchasers of the same, they observing the rules in the Law for the sale of Real Estate by Executors and Administrators; they giving caution to the Judge of Probate for the County of Suffolk that the Money arising by such Sale be applied for the purposes mentioned in this Petition. [*Passed July 14.*]

Legislative  
Records of the  
Council,  
xxviii., 71.

House Jour-  
nal, pp. 69, 74.  
Province  
Laws, ii.,  
p. 151, chap. 10.

## CHAPTER 56.

RESOLVE IMPOWERING ISAAC HODGES, ADM<sup>r</sup>, TO SELL REAL ESTATE.

A PETITION of Isaac Hodges Administrator of the Estate of Ephraim Hodges late of Norton in the County of Bristol dec<sup>d</sup> Setting forth That the said deceaseds personal Estate falls short of paying his just debts the Sum of £52.13.4. And praying that he may be empowered to make sale of so much of the said deceaseds Real Estate as to enable him to pay the same and the charges of Sale.

[Read and]

*Resolved* That the prayer of this Petition be granted, and that the Petitioner in his capacity be and hereby is empowered to make sale of so much of the deceaseds Real Estate as will fetch the Sum of Fifty eight pounds, where it can be best spared and of the least prejudice to the remainder, and to make and execute a good deed or deeds to the purchaser of the same; He observing the rules and

Legislative  
Records of the  
Council,  
xxviii., 71.

House Jour-  
nal, pp. 39, 74.

directions of the Law for the Sale of Real Estates by Executors and Administrators, and giving proper caution to the Judge of Probate for the County of Bristol that the proceeds of said sale be applied to the purposes mentioned in this Petition. [*Passed July 14.*]

## CHAPTER 57.

### RESOLVE REFERRING THE PETITION OF THE INHABITANTS OF WINCHENDON IN REGARD TO TAXES.

Legislative  
Records of the  
Council,  
xxviii., 72.

Legislative  
Records of the  
Council,  
xxvii., 36.

House  
Journal, pp. 30,  
31, 75, 76.

Province  
Laws, iv., 967,  
chap. 8; v., 42,  
chap. 15; 64,  
note. *Ante*,  
p. 154, chap. 84;  
p. 236, chap. 22.

A PETITION of the Inhabitants of Winchendon in the County of Worcester by their Agent Abel Wilder Setting forth, That some years ago the General Court granted a Tax of four pence an Acre on all the divided Lands in the said Town, but as there is no Law in being whereby they can enforce the payment thereof, Praying that an Act may be passed for that purpose: And also praying that the Province Tax laid upon the said Town for the year 1767 (which they are unable to pay by means of the great expence they have been at in settling a minister and otherwise) may be remitted.

[Read and]

*Resolved* That the consideration of this Petition be referred to the next Session of this Court, and that in the mean time the Province Treasurer be and he hereby is directed not to issue his Execution for the Tax Assessed upon the Town of Winchendon for the year 1767. [*Passed July 14.*]

## CHAPTER 58.

### RESOLVE CONTINUING CIVIL OFFICERS TO THE REMAINDER OF THIS PRESENT YEAR.

Legislative  
Records of the  
Council,  
xxviii., 72.  
Mass.  
Archives,  
xlii., 679.

Legislative  
Records of the  
Council,  
xxvii., 399.

House Jour-  
nal, p. 75.

*Ante*, pp. 295,  
296, chaps. 150-  
154.

WHEREAS the great and Gen<sup>l</sup> Court of this Province was dissolved In June 1768. And No Other Assembly permitted to meet, untill this present sessions. By Reason Whereof the Civil Officers of this Province Could Not be Choose at the Usual Time of Choices And Whereas a Considerable part of this Present Year is Elapsed; And it would be Inconvenient for the Province, to Alter the Time of Choosing the Civil Officers aforesaid

*Resolved* That the several Civil Officers of this Government who were Choose by the Great & Gen<sup>l</sup> Court, or Assembly of this Province, At their sessions begun and held in Boston on the 31<sup>st</sup> Day of December 1767, Be, and they are hereby Continued in, and are Directed to exercise their several & respective Offices the remainder of this Present Year to all Intents & purposes as if the said Officers were Choose at the Usual Time, and after the Usual manner. [*Passed July 14.*]

## CHAPTER 59.

## RESOLVE ALLOWING DIVERS AMOUNTS TO THE CLERKS TO THE COMMITTEE OF VALUATION.

*Resolved* That there be allowed and paid out of the Public Treasury the following Sums hereafter mentioned to the respective persons employed by the Committee of Valuation to cast up and foot the Lists returned by the several Towns in this Province into the Secretary's Office the last year viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xxviii., 73.  
House Journal,  
p. 27  
(June, 1768);  
p. 75.

To David Jeffries Esq <sup>r</sup> for casting and footing 84 sheets of Valuation Rolls @ 9 <sup>d</sup>	£ 3. 3
To Sanderson West for casting & footing 145 sheets d <sup>o</sup> at 9 <sup>d</sup>	5. 8. 9
To Joseph Carnes for casting & footing 102 sheets d <sup>o</sup> at 9 <sup>d</sup>	3. 16. 6
To Samuel Downe for casting & footing 155 sheets d <sup>o</sup> at 9 <sup>d</sup>	5. 16. 3
To Henry Allen jun <sup>r</sup> for casting and footing 115 sheets d <sup>o</sup> at 9 <sup>d</sup>	4. 6. 3
To John Furnass for casting & footing 216 Sheets at 9 <sup>d</sup>	8. 2
To William Cooper for casting & footing 219 Sheets at 9 <sup>d</sup>	8. 4. 3
To Dudson Kilcup for casting and footing 114 sheets at 9 <sup>d</sup>	4. 5. 6
To Abraham Savage jun <sup>r</sup> for casting and footing 212 Sheets at 9 <sup>d</sup> and for making the several Towns into County Rolls equivalent to 120 sheets at 9 <sup>d</sup>	12. 9
To Edward King for casting and footing 114 sheets at 9 <sup>d</sup>	4. 5. 6 <sup>1</sup>

[*Passed July 14.*

## CHAPTER 60.

ORDER WITH NOTICE IMPOWERING THE COMMITTEE ON THE PETITION OF WILL<sup>m</sup> ARMS TO SETTLE THE MATTER IN DISPUTE.

A PETITION of William Arms of Deerfield in the County of Hampshire Setting forth That on the 25<sup>th</sup> day of July 1768 one John Hinsdell of said Deerfield, together with the Petitioner submitted all matters in controversy between them to the determination of Mess<sup>rs</sup> Joseph Root, Ebenezer Hunt, John Burk, Nathaniel Dwight and Fellows Billing and became bound to abide by their Award. That the said Arbitrators having considered of the several matters to them submitted did Order, “That the said John Hinsdell should be released from all demands of the Petitioner against him; excepting from two certain Bonds, each Conditioned for the payment of One hundred and twenty pounds.” That the said Bonds were not conditioned for the payment of One hundred and twenty pounds each, but that sum was in fact the Penalty of each of the said Bonds; by reason of which mistake in the said Award the Petitioner is wholly barred from recovering his just debts on the aforesaid Bonds, and can obtain no remedy at Common Law: And Praying relief.

Read and

*Ordered* That the Gentlemen to whom all matters in controversy betwixt the Petitioner and John Hinsdell were submitted as in said Petition mentioned, be and they are hereby fully authorized and empowered at any time within two months from the date of this Order to revise, alter and amend any casual mistake made in their Award in pointing or describing certain Bonds therein mentioned. And their Award so altered and amended agreeable to what was the true intent and meaning of the Arbitrators at the time of making their Award shall be deemed and adjudged to be as valid and

Legislative  
Records of the  
Council,  
xxviii., 74.  
House Journal,  
pp. 32, 33,  
44, 51, 52.

<sup>1</sup> The House Journal, p. 75, reads, To *Edward King*, 115 Sheets at 9<sup>d</sup> 4. 6. 3.

effectual to all intents & purposes and as obligatory on the Parties therein concerned as if the same was made and delivered before the expiration of the time in the Bond of submission limited for making the same. Provided that before any alteration or amendment be made in said Award the parties concerned be duly notified and have opportunity given them to offer to the said Arbitrators what they may think fit either in opposition to, or in support of the alteration proposed. [*Passed July 14.*]

## CHAPTER 61.

### ORDER DISCHARGING A JUDGMENT AGAINST WM RICE UPON PAYING COSTS.

Legislative  
Records of the  
Council,  
xxviii., 75.

House Jour-  
nal, p. 74.  
Province  
Laws, iv., 29,  
chap. 12.

A PETITION of William Rice of Sudbury in the County of Middlesex Setting forth That in the year 1760 at a Court of General Sessions of the peace held at Concord in the County afores<sup>d</sup> he recognized as a surety for one William Briant of said Sudbury as an Inholder. That the said Court afterwards renewed the said Briant's License, when in fact he had not accounted with the Collector and paid the Excise due to the Government, which he should have done before his License could by Law have been renewed. That the said Briant hath since that time taken the benefit of the Insolvent Act and been discharged from the demands of his Creditors by the Justices of the Superior Court, and also from the said Recognizance as principal in consequence of the said Act, and thereby the Petitioner is deprived of the remedy he might otherwise have had against the said Briant. That the said Superior Court have determined likewise that the Petitioner pay the one half of the said Excise and all the Costs notwithstanding the other surety was at the same time sued, for which Execution is now out against him, and which he is utterly unable to pay. And praying relief.

Read and

*Ordered* that the prayer of the Petition be so far granted that the Petitioner be and he is hereby discharged from the Judgment referred to in the Petition on condition that he the said William Rice pay the cost of Suit. [*Passed July 14.*]

## CHAPTER 62.

### RESOLVE AND ORDER IMPOWERING EBENEZER AND ESTHER POMROY, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 75.

House Jour-  
nal, pp. 55, 78.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 22,  
chap. 36.

A PETITION of Ebenezer Pomroy and Esther Pomroy both of Northampton in the County of Hampshire Administrators of the Estate of Elisha Pomroy late of said Northampton Gentleman dec<sup>d</sup> Insolvent Setting forth That they have already distributed to and among the Creditors of the said deceased the whole of the Real and personal Estate excepting such part of his Real Estate as was Assigned to the said Esther, his Widow, for her Dower. That the Creditors have requested of the Petitioners to make sale of the said Dower,

but as the Petitioners apprehend they cannot make sale thereof by virtue of the License received from the superior Court to make Sale of the said deceaseds Real Estate: Praying that they may be empowered to make sale of the said Dower; the Widows term therein only excepted.

[Read and]

*Resolved* and

*Ordered* that the said Admin<sup>rs</sup> have leave and are hereby authorized and empowered as soon as may be to sell all the Estate which the said deceased at the time of his death had in those Buildings and Lands which have been assigned to the Widow of the said Elisha Pomroy for her Dower or right of thirds in said Buildings and Lands whereof the said deceased died seized, excepting the said Widows term therein, and to distribute the proceeds to and among all the Creditors of the deceased as soon as may be in proportion to the sums of their respective dues from the Estate, which have been allowed by the Commissioners who were appointed to receive the Claims of the said Creditors; provided the said Administrators notify such sale in the manner which is prescribed by one Law of this Province directing the form of notice of the sale of Real Estates of persons deceased Licensed by the Superior Court for the payment of debts, and also that they previous to such sale give sufficient caution to the Judge of Probate for the County of Hampshire to pay to the Creditors the proceeds of such sale within such reasonable time from making the same as such Judge shall determine. [*Passed July 15.*]

## CHAPTER 63.

### RESOLVE IN REGARD TO A BOND OF M<sup>r</sup> JOHN COTTON.

A PETITION of John Cotton of Boston Gen<sup>l</sup> Setting forth That in the year 1764 he purchased the Excise on Tea, Coffee & China ware within the County of Suffolk for the Sum of £1,030 lawful money and gave Bond for the same sum agreeable to Law, at which time there was no other Law of this Province in force relating to the said Excise than that made and passed in the 30<sup>th</sup> Year of the Reign of his late Majesty George the second intituled "An Act for providing and maintaining two Armed Vessels to guard the Coasts &c" by force of which Law the Petitioner was advised and really apprehended that he had good right to demand and receive the Excise therein granted on all such Tea and Coffee as should be sold within said County for Consumption out of this Province, excepting such as should be sold to persons not Inhabitants of this Province, which apprehension of the Petitioner was his inducement to give a much greater Sum for the Farm of said Excise than had at any time before been given; that after his purchasing the same and giving Bond as aforesaid another Law was made and passed intituled, "An Act in addition to and in explanation of an Act intituled an Act for providing and maintaining two Armed Vessels to guard the Coasts &c" by which the Petitioner was restrained from demanding and receiving any Excise on such Tea and Coffee as should be sold for consumption out of this Province tho' sold to the Inhabitants of the Province; by reason of which restraint the Petitioner was deprived not only of the profits which he had a reasonable and equitable right to

Legislative  
Records of the  
Council,  
xxviii., 77.  
Mass.  
Archives, cxx.,  
664.

Mass.  
Archives, cxx.,  
662. House  
Journal, pp. 36,  
55, 65, 79.  
Province  
Laws, iii., 989,  
chap. 12; iv.,  
766, chap. 32.  
*Ante*, p. 219,  
chap. 227.

expect, but also of receiving even the sum he purchased said Excise for; That the Petitioners Bond aforesaid has since been put in suit against him and upon a hearing a majority of the Justices of the Superior Court have adjudged and determined that by the rules of Law the penalty of the said Bond is forfeited, and the Petitioner has now no prospect of obtaining even an equitable relief in the course of the Common Law. That the whole sum Collected by him fell considerably short of what he gave for said Excise, and this was occasioned wholly by the Law on which he purchased being altered some months after he bought the Excise and before he had received a penny thereof. That such is the unhappy situation of his affairs that it is intirely out of his power to pay even the Sum he received. And praying that this Court would grant him such relief as his unfortunate circumstances require and a due regard to justice will admit.

[Read and]

*Resolved* that the prayer of the Petition be so far granted That the Petitioner be discharged of said Bond and all prosecution thereupon, he giving Bond with sufficient Suretys to pay the sum of eight hundred and seventeen pounds to the Hon<sup>ble</sup> Harrison Gray Treasurer of this Province of the Massachusetts Bay or his Successor in manner following viz: two hundred and seventeen pounds with Lawfull interest therefor att or before the fourteenth Day of July 1770 two hundred with interest att or before the thirteenth Day of July 1771, two hundred with like Interest att or before the fourteenth Day of July 1772, two hundred with like Interest att or before the fourteenth Day of July 1773. [*Passed July 15.*<sup>1</sup>

<sup>1</sup> The date given in Mass. Archives, as final, in Council, is June 15, which is evidently a mistake, as the order gives the date of its having passed the House on July 15.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIFTEENTH DAY OF MARCH, A.D. 1770.

## CHAPTER 64.

## RESOLVE ADJOURNING COURTS IN BARNSTABLE COUNTY.

*Resolved* That whereas the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Barnstable according to the time appointed by Law should be holden at Barnstable in said County on the first Tuesday of April next: And whereas sundry of the Justices and Officers of said Courts and others concerned in the business thereof are Members of this Court, which is likely to continue sitting beyond the time aforesaid by Law appointed for holding said Courts. Therefore

*Resolved* That said Courts be and are hereby adjourned unto the third Tuesday in April next, then to be holden at said Barnstable, and that all pleas, Processes, Writs, Actions, Suits, issued or to be issued, Complaints, Precepts, Recognizances and all other matters and things returnable and having and that should have had day in said Courts if the same had been holden the said first Tuesday of April, shall be returnable and have day in said Courts on the said third Tuesday of April, and shall abide and continue unto that time, and shall then be proceeded on, heard, tried and determined to all intents and purposes as effectually as if said Courts should have been held on the first Tuesday of April aforesaid: And all Executions returnable on the said first Tuesday of April may be returned into the Clerks Office of said Courts and alias Executions issued afterwards in like manner as if this adjournment had not been made. [*Passed March 27.*]

Legislative  
Records of the  
Council,  
xxviii., 97.

House Jour-  
nal, p. 105.  
*Ante*, p. 69,  
chap. 131.

## CHAPTER 65.

## ORDER RELATING TO THE CARE OF INDIAN CHILDREN BY ELI FORBES.

A PETITION of Eli Forbes of Brookfield Clerk Setting forth That in obedience to the Order of this Court in June last, he hath sent home the two Indian Boys of the Onida Tribe and at their arrival the Chief Men assembled and caused the Boys to be examined by their Missionary, and they all seemed satisfied with the proficiency they had made in the English Language &c but that it was thought best to detain them and send two others in their stead;

Legislative  
Records of the  
Council,  
xxviii., 98.  
Mass.  
Archives,  
xxxiii., 511.

Mass.  
Archives,  
xxxiii., 510.

House Jour-  
nal, pp. 32, 38,  
105, 109. *Ante*,  
p. 376, chap. 4.

which was accordingly done: And praying that his Account for Boarding Cloathing and Instructing the said two Indian Boys and the Indian Girl may be allowed.

Read &

*Ordered* that the province Treasurer pay (out of the Intrest of S<sup>r</sup> Peter Warrens Donation) to M<sup>r</sup> Eli Forbes the Sum of Sixty one Pounds Ten Shillings In full for his bording Cloathing and Instructing the three Indian Children in his Petition mentioned from the third Day of June last until the Nineteenth Day of March Instant and that he be Discharged of the fifteen pounds ordered to be paid to him by the Gen<sup>l</sup> Court in July Last to Enable him to send home Two of the Said Children for which Sum he was then made accountable. [*Passed March 27.*]

## CHAPTER 66.

Legislative  
Records of the  
Council,  
xxviii., 100.  
Mass.  
Archives,  
cxviii., 428.

ORDER ALLOWING A COPY OF THE PROVINCE LAWS TO THE TOWN OF LENOX.

A PETITION of Elias Willard in behalf of the Town<sup>1</sup> of Lenox Praying that the said Town may be allowed the Province Laws at the public expence.

[Read and]

*Ordered* that the Prayer of this pet<sup>n</sup> be granted & that the Town of Lenox be allow<sup>d</sup> the Province Laws. [*Passed March 27.*]

## CHAPTER 67.

ORDER IMPOWERING THE TOWN OF TAUNTON TO NOTIFY THE TOWN OF MIDDLEBOROUGH IN REGARD TO THE BOUNDARY LINE.

Legislative  
Records of the  
Council,  
xxviii., 102.

House Jour-  
nal, pp. 108, 110.

A PETITION of the Inhabitants of the Town of Taunton in the County of Bristol Setting forth, That the said Town of Taunton adjoins on the Town of Middleborough in the County of Plymouth and that the Line between said Towns is the dividing line between said Counties That there hath been a dispute subsisting between s<sup>d</sup> Towns for above thirty years respecting said Boundary line, and that the Selectmen of said Taunton have always duly notified the Selectmen of said Middleborough (Taunton being the oldest Town) to meet and perambulate said bounds according to Law, but the Selectmen of said Towns could never agree about the same That the Selectmen of Middleborough have brought an Action against the Selectmen of Taunton for not Perambulating the Bounds of said Town, to be tryed at the next Inferior Court of Common pleas to be holden at Plimouth in April next. That the Petitioners apprehend that a Law suit of this kind will be attended with great expence, and can have no tendency to settle said dispute, more especially if Tryed by a Jury of the County of Plymouth as the Line between that County and the County of Bristol is nearly affected. And praying the interposition of this Court for the settlement of the said dispute.

<sup>1</sup> A mistake for District. See Province Laws, iv., 905, chap. 11; v., 420, chap. 3, sec. 3; Revised Laws, i., 430 (March 23, 1786); also Manual for the General Court (1912), p. 101.

[Read and]

*Ordered* that the Town of Middleborough be notified by the Petitioners by serving the Clerk of said Town with a Copy thereof to shew cause on the second Wednesday of the next sitting of this Court why the prayer should not be granted, and that the said Action be continued in the mean time. [*Passed March 28.*]

## CHAPTER 68.

RESOLVE IMPOWERING MOWER AND CHANDLER, ADM<sup>rs</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Mower and Clark Chandler Administrators of the Estate of Henry Ward late of Worcester deceased Intestate Setting forth That the Estate of the said deceased has been represented Insolvent and Commissioners appointed to receive and examine the Claims of the Creditors to said Estate That he died siezed of about four Acres of Land with a House and Barn and out Houses thereon, as also a Tract of Land of about seven Acres both situate in Worcester aforesaid. And praying that they may be impowered in their capacity aforesaid to make sale of the Real Estate aforesaid; that one third of the proceeds be put out to Interest and the Interest paid to the said deceaseds Widow Lydia annually during her life in lieu of her Dower in said deceaseds Real Estate; that the remaining two thirds be applied for paying the deceaseds debts so far as it will extend, and at the death of said Widow the other third be disposed of agreeable to Law.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioners be and hereby are impowered to sell all the Real Estate within mentioned and make and execute a good Deed or Deeds of the same, observing the Rules of the Law for the sale of Real Estates and giving caution to the Judge of Probate for the County of Worcester that the proceeds be applied for the purposes mentioned in the Petition. [*Passed March 28.*]

## CHAPTER 69.

RESOLVE IMPOWERING JOS: ROTCH, JUN<sup>r</sup>, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Rotch jun<sup>r</sup> of Dartmouth Administrator of the Estate of Isaac Fish late of said Dartmouth deceased Setting forth That the whole Real and Personal Estate of the said deceased is insufficient to pay his just debts and has therefore been represented Insolvent. That all the Real Estate of which the said deceased died siezed consists of a dwelling House, a Blacksmiths Shop and thirty two Rods of Land; And as the Superior Court for the County of Bristol will not sit until October next: Praying that he may be impowered to make Sale of the said Real Estate (the Widows thirds therein excepted) for the benefit of the Creditors.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the

Legislative  
Records of the  
Council,  
xxviii., 104.

House Jour-  
nal, p. 111.  
Province  
Laws, ii., 151,  
chap. 10.

Legislative  
Records of the  
Council,  
xxviii., 104.

House Jour-  
nal, pp. 106, 111.  
Province  
Laws, ii., 151,  
chap. 10.

Petitioner be and hereby is impowered to make sale of the Real Estate mentioned in this Petition for the most the same will fetch, and to make and execute a good Deed or deeds therof to the purchaser or purchasers, he observing the directions of the Law for the sale of Real Estates by Executors and administrators, and that the proceeds arising by such sale be applied for the payment of the said deceaseds just debts. [*Passed March 28.*]

## CHAPTER 70.

### RESOLVE IMPOWERING JED<sup>th</sup> FOSTER, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 105.

House Jour-  
nal, pp. 106, 111.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Jedediah Foster of Brookfield Executor of the last Will and Testament of Mary Bartlet late of said Brookfield deceased Setting forth That the said deceased by her last Will devised her Estate (after her just debts and Funeral expences were paid) two third parts therof to the Church in the third Precinct in the Town of Brookfield to be laid out in Silver Vessels for the Communion Table, and the other third part thereof to the Rev<sup>d</sup> Nathan Fisk Minister of the said Church That the said deceased died siezed of a small House and one Acre of Land in said Brookfield apprized at forty pounds; and inasmuch as the Petitioner is not by the said Will enabled to dispose thereof, and cannot execute the Will unless enabled by this Court to make sale of the said House and Land: Praying that he may be impowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered in his said capacity to make sale of the House and Land withinmentioned, and make and execute a good Deed to the purchaser he observing the rules of the Law for the sale of Real Estates by Executors and Administrators and applying the proceeds to the purposes within mentioned; He giving sufficient caution to the Judge of Probate for the County of Worcester that the prodnce of said sale shall be disposed of according to the Will of the Testator. [*Passed March 28.*]

## CHAPTER 71.

### RESOLVE IMPOWERING KILKIAH GROUT, ADM<sup>rs</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 106.

House Jour-  
nal, pp. 106, 111.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Kilkiah Grout of Winchester in the Province of New Hampshire Administrator of the Estate of John Askins late of said Winchester deceased Intestate Setting forth That the debts due from the said deceased Estate to sundry Persons in the Province of Massachusetts Bay amount to £105.16.7 That the said deceased died seized of a Tract of wild Land in Warwick in the same Province containing about four hundred Acres apprized at £150 That the Petitioner apprehends that nothing less than the sale of the whole of the Tract of Land aforesaid will raise a Sum sufficient to discharge the said debts: And praying that he may be impowered to

make sale of the same accordingly; and in case of any surplusage that the same be distributed among the Heirs of the said deceased according to Law.

[Read and]

*Resolved* that the prayer of this Petition be so far granted that the Petitioner be and hereby is impowered to make sale of so much of the said deceaseds Real Estate as shall be sufficient to discharge the debts of the said deceased, and to make and execute a good Deed or deeds of the same to the purchaser or purchasers; he observing the rules and directions of the Law of this Government for the sale of Real Estates by Executors and Administrators, and that the monies arising by such sale or sales shall be applied for the purposes mentioned in this Petition. [*Passed March 28.*]

## CHAPTER 72.

RESOLVE EXPLAINING AN ACT IN REGARD TO INHABITANTS OF CAPE ELIZABETH.

A PETITION of Samuel Skillin and others Inhabitants of Cape Elizabeth praying for an explanation of the act Incorporating them into a District made in Novem<sup>r</sup> 1765.

[Read and]

*Resolved* on the Petition of the Inhabitants of Cape Elizabeth That from the time the act of Incorporation of Cape Elizabeth into a District took place all the Inhabitants of said District included within the Lines of said District were and still are held to pay Parish Taxes there and to no other Parish. [*Passed March 28.*]

Legislative  
Records of the  
Council,  
xxviii., 106.

Legislative  
Records of the  
Council,  
xxvii., 102.  
House Jour-  
nal, pp. 106, 113.  
Province  
Laws, iv., 838,  
chap. 25; 872,  
note.  
*Ann.*, p. 152,  
chap. 81.

## CHAPTER 73.

RESOLVE ALLOWING £100 TO SUSANNA HODGE.

A PETITION of Susanna Hodge of Salisbury Setting forth That her Husband Michael Hodge by the providence of God has at times been deprived of his reason, and in one of his distracted frames uttered sundry blasphemous expressions; whereupon he was bound over to appear at the Superior Court at Ipswich in June 1767 in a Bond of One hundred pounds, at which Court the Grand Jury found a Bill against him That the Law being very severe against those who are Convicted of this offence the said Michael (by the advice of his Council) absconded and left the Petitioner with three young Children in very distressing circumstances That the said Michael's House and Land has been taken by Execution to satisfy the forfeiture of the Bond aforesaid, and the Petitioner and her three Children turned out of doors without one farthing to support themselves. And inasmuch as the forfeiture of the said Bond has been paid into the Province Treasury, she prays the compassionate consideration of the Court.

Read and

*Resolved*; that there be paid out of the province Treasury the Sum of one hundred pounds to Susannah Hodge the petitioner, for Reasons set forth in s<sup>d</sup> petition. [*Passed March 29.*]

Legislative  
Records of the  
Council,  
xxviii., 108.  
Mass.  
Archives, cv.,  
638.

Mass.  
Archives, cv.,  
637. House  
Journal,  
pp. 108, 112.  
Province  
Laws, i., 297,  
chap. 20.



## CHAPTER 74.

RESOLVE IMPOWERING SARAH BALLARD, ADM<sup>rs</sup>, WITH WILLIAM CHANDLER, TO RECONVEY LANDS.

Legislative  
Records of the  
Council,  
xxviii., 110.

House Jour-  
nal, pp. 116, 118,  
119.

A PETITION of Sarah Ballard of Andover Administratrix of the Estate of her late Husband Timothy Ballard jun<sup>r</sup> late of said Andover deceased Setting forth That the said Timothy (at the request of Philemon Chandler) together with William Chandler of said Town became bound to Samuel Gardner Esq<sup>r</sup> of Salem for the payment of One hundred pounds; and the said Philemon in order to save harmless the said Timothy and William conveyed to them by Deed dated the 7<sup>th</sup> day May 1762 the one half of four pieces of Land in Andover aforesaid, and that they at the same time obliged themselves to reconvey the Premises to the said Philemon upon payment of the Debt to the said Gardner That since the death of the said Timothy Ballard, the said Philemon has discharged the said debt and now demands the return of his Land to him again: And praying that she may in conjunction with the said William Chandler be impowered to reconvey the Premises to the said Philemon Chandler accordingly.

Read and

*Resolved* that Sarah Ballard Administratrix to the Estate of her Husband Timothy Ballard late of Andover deceased be and that she hereby is impowered in her said capacity together with William Chandler of s<sup>d</sup> Andover by a good lawful Deed to reconvey to Philemon Chandler the Lands mentioned in her Petition. [*Passed March 30.*]

## CHAPTER 75.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

Legislative  
Records of the  
Council, 112.  
Mass.  
Archives,  
civ., 573.

House Jour-  
nal, pp. 117, 118.  
*Ante*, p. 371.  
*Post*, p. 444,  
chap. 143.

In the House of Representatives

*Resolved* that no person who shall be chosen by this Court into the office of Treasurer & Receiver General for this Province for the present year, shall be esteemd duly qualified to enter upon the Execution of that office untill he shall first have an Oath administered to him for his faithful Performance of his said office; & shall give Bond with sufficient Sureties to the Acceptance of a Committee to be appointed by this Court for that purpose in the Sum of Thirty thousand Pounds Lawful money to the three eldest Counsellors in the Province for the time being, who are hereby appointed a Committee in Behalf of the Province. & especially authorizd for that purpose; which Bond shall be conditiond for such Treasurers truly & faithfully discharging the Duty of his office according to Law, and for his rendering an Account when & so often as he shall be required by the General Court, of all such Sum or Sums of money as he shall from time to time receive into the Treasury, and for his well & truly paying to his Successor in said office, or to any other person that may be appointed by the General Court to receive the same, all such Sum or Sums of money as upon such Settlement of his said Accounts or otherwise shall be found due & payable from him to this Province; provided that the said Bond be put in suit within three years next after the Date hereof otherwise to be void & of no Effect: And that M<sup>r</sup> Hancock & Cap Sheaffe with



such as the Hon<sup>ble</sup> Board shall joyn, be a Com<sup>t</sup> to judge of the Sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council, Read & Concurred and John Erving Esq<sup>r</sup> is joined.  
[*Passed March 30.*]

## CHAPTER 76.

RESOLVE ENJOINING COLLECTION OF CERTAIN TAXES AGAINST CERTAIN INHABITANTS OF DIGHTON UNTIL THE NEXT SESSION OF COURT.

A MEMORIAL of Elkanah Andrews in behalf of himself & Sylvester Richmond Esq<sup>r</sup> and others Inhabitants of the Town of Dighton Setting forth That they preferred their Petition at the opening of the present Session praying to be exempted from paying sundry Taxes towards building a new Meeting House and hiring preaching, for reasons set forth in said Petition; but that the Representative of the said Town of Dighton has returned home and carried the said Petition with him; And inasmuch as the Memorialist (with his evidences) hath been waiting several days and is at a great distance from home, and the Petitioners have been greatly distressed Praying the immediate relief of this Court.

[Read and]

*Resolved* on the Memorial of Cap<sup>t</sup> Elkanah Andrews relating to the Petition of Sylvester Richmond Esq<sup>r</sup> and others Inhabitants of the Town of Dighton That the Constables in said Town to whom the Taxes are committed to collect for the payment of M<sup>r</sup> John Staples who Preaches for a part of said Dighton, and also for the charges of a Meeting House lately built in said Town, be and hereby are Ordered not to collect the same from the said Petitioners named in the Petition of the said Sylvester Richmond Esq<sup>r</sup> and others until the end of the next Session of this Court, so that the Petitioners may have an opportunity to be heard on their said Petition, and no distresses to be made on the said Petitioners in the mean time. [*Passed March 31.*]

Legislative  
Records of the  
Council,  
xxviii., 115.

Mass.  
Archives,  
cxviii., 429-431.  
House Jour-  
nal, pp. 118, 120,  
121.

## CHAPTER 77.

RESOLVE GRANTING TO SAMUEL LEONARD LICENSE TO KEEP AN INN.

A PETITION of Samuel Leonard of Springfield Setting forth That for several years past he hath been Licensed to keep a House of Public Entertainment, but that he is about to remove from the House in which he now dwells to another about one hundred rods distant, equally well situated for that business. And that as the usual time for granting Licenses in the County of Hampshire will not arrive 'till August next: Praying that the Justices of the Court of General Sessions of the peace for the said County may be empowered at their next Term to License the Petitioner to keep a Tavern in the House to which he is about to remove; He obtaining the approbation of the Selectmen of the said Town for that purpose.

[Read and]

Legislative  
Records of the  
Council,  
xxviii., 118.

Mass.  
Archives,  
cxl., 563.  
House Jour-  
nal, p. 124.

*Resolved* That his Majesty's Justices of the General Sessions of the peace in and for the County of Hampshire be and they are hereby impowered to grant License to Samuel Leonard to occupy the House to which he is about to remove as an Inholder, instead of the House where he now lives, the time for granting License in said County being elapsed notwithstanding he first obtaining the approbation of the Selectmen therefor. [*Passed April 3.*]

## CHAPTER 78.

### RESOLVE IMPOWERING HEPZIBAH NICHOLS, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 119.  
House Jour-  
nal, pp. 117, 125.

A PETITION of Hepzibah Nichols Administratrix of the Estate of her late Husband Joshua Nichols late of Reading deceased Setting forth That her said Husband a short time before his death purchased about twenty five Acres of Land in said Reading for which he obligated himself to pay fifty pounds and died before he had discharged the same. And as she hath no other way to discharge the said obligation than by the sale of Land, Praying that she may be impowered to make sale of the aforementioned twenty five Acres for that purpose.

Read and

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner in her said capacity be and accordingly hereby is impowered to make sale of the Tract of Land in her Petition mentioned, and make and execute a good Deed or Deeds thereof, she giving security to the Judge of Probate for the County of Middlesex that she will apply the proceeds of said sale for the payment of the debt in said Petition mentioned, and the overplus, if any be, arising by said Sale, be by her accounted for and paid agreeable to Law. [*Passed April 3.*]

## CHAPTER 79.

### RESOLVE IMPOWERING MARY GLEESON, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 120.

House Jour-  
nal, p. 120.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Gleeson Administratrix of the Estate of her late Husband Isaac Gleeson late of Holden deceased Setting forth, That the whole Personal Estate of the deceased is insufficient to pay his just debts by the sum of £54.0.4¾ That the said deceased died siezed of a Tract of Land in said Holden containing one hundred Acres almost new and uncultivated apprized at £106.13.4 That if so much of said Tract of Land was sold as would pay the debts aforesaid, the remainder would be of but little value. And praying that she may be impowered to make sale of the whole thereof; she to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and hereby is impowered to make sale of the whole of the deceaseds Real Estate for the most the same will fetch,

and to make and execute a good Deed or Deeds thereof in Law, she observing the rules of the Law for the sale of Real Estates by Executors and Administrators, and that the Interest of one third of the said proceeds be applied for the support of the Petitioner as her Dower during life, and at her death be divided to and among the Children of the said deceased agreeable to Law; and so much of the remaining two thirds as shall be necessary be applied to the payment of the deceaseds just debts, and what shall remain be put out on Interest for the use and benefit of the deceaseds Children, the Petitioner giving sufficient caution to the Judge of Probate for said County that the Money arising be applied as aforesaid.<sup>1</sup> [*Passed April 3.*]

## CHAPTER 80.

RESOLVE IMPOWERING ELEAZER GRAVES AND HIS WIFE, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Eleazer Graves and Judith his Wife Admin<sup>x</sup> of the Estate of her former Husband George Cutting late of Athol deceased Setting forth That the Personal Estate of the deceased is insufficient to discharge his just debts (after the usual allowance is made to the said Judith for necessaries of Household) by the Sum of £170.17.4½ That the said deceased died siezed of a Farm in said Athol containing 170 Acres apprized at £666.13.4 That if so much of said Farm should be sold as would be sufficient to pay said debts, the growing Interest and the charges of settling the Estate, it would be a great damage to the remainder; And praying that they may be impowered to make sale of the [whole] thereof; they to be accountable.

Read and

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners in their said capacity be and they accordingly are hereby impowered to make sale of the whole of the Estate in their said Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof; they observing the rules of the Law respecting the Sale of Real Estates by Executors & Administrators, and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of the said sale be applied in the following manner viz<sup>t</sup> that the Interest of one third part thereof be annually allowed to the said Judith for her Dower during her natural life, and that so much of the remaining two thirds as is necessary be applied for payment of the debts in said Petition mentioned, and what shall then remain be paid to the Children of the deceased, their Guardians or legal Representatives, and at the expiration of the natural life of the said Judith, the other third be paid to the aforesaid Heirs or their legal Representatives agreeable to Law. [*Passed April 3.*]

Legislative  
Records of the  
Council,  
xxviii., 121.

House Jour-  
nal, pp. 47, 125.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> The final action on this petition not found in the House Journal.

## CHAPTER 81.

RESOLVE IMPOWERING ELIZABETH JOHNSON, EX<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 122.

House Jour-  
nal, pp. 106, 122,  
125. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Elizabeth Johnson surviving Executrix of the last Will and Testament of Caleb Johnson late of Shrewsbury deceased Setting forth That on the 30<sup>th</sup> day of October AD 1769 she settled her Administration Account, the balance remaining in her hands of the Personal Estate (including the Legacy given her by the said deceaseds Will) being but £37.15.2¾ That the said deceaseds Estate is still indebted to sundry Persons the sum of £80.16.4½ That the said deceased died siezed of a Real Estate in said Shrewsbury on which stands a Corn Mill and was appraised at £266.13.4 That if part of said Real Estate was sold it would be a great damage to the remainder; therefore praying that she may be impowered to make sale of the whole thereof; the Money arising by said sale (after payment of the debts) to be disposed of agreeable to the last Will and Testament of said deceased.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and hereby is impowered to make sale of the whole of the Real Estate mentioned in said Petition for the most it will fetch, and make and execute a good Deed or Deeds of Sale thereof; she observing the directions of the Law for the sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probates for the County of Worcester that the proceeds of the sale be applied for the payment of the just debts of the deceased, and the overplus, if any be, be put out on Interest, such Interest to be for the use of the Petitioner during her Widowhood, and the principal Sum be, at her decease, distributed among the Heirs of the said Testator agreeable to his last Will and Testament. [*Passed April 3.*]

## CHAPTER 82.

RESOLVE LIBERATING JOSEPH BUTLER, DELINQUENT TAX COLLECTOR, FROM GOAL, UPON CERTAIN CONDITIONS.

Legislative  
Records of the  
Council,  
xxviii., 67, 123.

Legislative  
Records of the  
Council,  
xxviii., 103.  
House Jour-  
nal, pp. 70, 72,  
113, 126, 127.

A PETITION of Joseph Buttler of Framingham in the County of Middlesex Setting forth That he was chosen Collector of Taxes for the said Town in the year 1765 and being delinquent the Province Treasurer issued an Execution against him, by virtue of which he was committed to his Majesty's Goal in Concord in the said County where he now remains: That the Petitioner being in a bad state of health and having expended what little Estate he was possessed of in the necessary support of himself and Family since his confinement, has not the least prospect of ever being able to satisfy the said Execution. And Praying relief.

Read and

*Resolved* that the prayer of the Petition be granted, and that the said Joseph Butler be liberated accordingly, he paying Prison Fees; provided he stands committed on no other suit or other Cause than that mentioned in the Petition, and that the Town of Framingham

be reassessed the Sum of One hundred pounds, six shillings and one penny by having one half of that Sum added to their proportion of the next years Province Tax, and the other half thereof to their proportion of the next years Province Tax the next year afterwards, provided also that this shall not be construed to preclude the said Town of Framingham from any action or suit against the said Joseph Butler for the whole of such Sums as may be assessed on said Town through his default and for any other damages accruing unto said Town thereby. [*Passed April 4.*]

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## CHAPTER 83.

### RESOLVE GRANTING TO TIMOTHY FARLEY A CERTAIN TRACT OF LAND ON PAYMENT OF A CERTAIN SUM.

A PETITION of Timothy Farley Setting forth, That he served His Majesty for three years during the late War as a Soldier. And praying for the Grant of a small Gore of Land lying between Colrain, Charlemont and Shelburne, according to the Plan exhibited with his Petition.

[Read and]

*Resolved* on the Petition of Timothy Farley that the prayer thereof be so far granted that the Land delineated and described in the Survey and Plan returned containing about one hundred Acres lying between the District of Shelburne & Charlemont be granted and confirmed to the said Timothy Farley and his Heirs forever, on condition the said Timothy shall pay or cause to be paid into the Province Treasury the Sum of Twenty pounds within two years from the date hereof for the use of the Province. [*Passed April 4.*]

Legislative  
Records of the  
Council,  
xxviii., 124.

Mass.  
Archives,  
ccxxxix., 385.  
House Jour-  
nal, pp. 123, 127.

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## CHAPTER 84.

### RESOLVE IMPOWERING JACOB FOX, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jacob Fox Administrator of the Estate of James Evers late of Concord deceased Setting forth That the personal Estate of the said deceased is insufficient to pay his just debts That the Real Estate of the said deceased consists of about five Acres of Land, which, with the Personal Estate, may possibly be sufficient to pay the debts. And praying that he may be empowered to make sale of the same, he to be accountable.

[Read and]

*Resolved* That Jacob Fox Administrator of the Estate of James Evers deceased, he and hereby is empowered to make sale of the aforementioned Land for the most the same will fetch, and to make and execute a good Deed or Deeds of the same, he observing the Law respecting the sale of Real Estates by Executors and Administrators and giving Bond to the Judge of Probate for the County of Middlesex that the proceeds of said Sale shall be applied to the discharge of the just debts of the said James Evers, and the overplus if any be, be paid to the legal Heirs of the said Evers or to their Guardians for their use. [*Passed April 4.*]

Legislative  
Records of the  
Council,  
xxviii., 124.

House Jour-  
nal, pp. 123, 130.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 85.

## RESOLVE IMPOWERING PHINEAS HEYWOOD TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 125.

House Jour-  
nal, pp. 106, 125.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Phineas Heywood Administrator of the Estate of John Curtis jun<sup>r</sup> late of Worcester deceased Intestate 'Setting forth That the said deceased died siezed of a small Farm in said Worcester containing about sixty Acres with a House thereon partly finished apprized at £360 That it is necessary a considerable Sum be expended on the House to finish it That the Rent of the said Farm is not sufficient to support the said deceaseds Children being six in number, the eldest a daughter of fourteen years of age, the youngest but two years old That he has no Personal Estate in his hands except the Household furniture in use in the Family. And praying that he may be impowered to make sale of the whole of the Farm aforesaid; the Money arising by said Sale to be disposed of agreeable to Law; He to be accountable.

Read and

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner in his said capacity be and he accordingly is hereby impowered to make sale of the whole of the Estate in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof he observing the directions of the Law with respect to selling of Real Estates by Executors and Administrators, and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of the said Sale be applied in the following manner viz<sup>t</sup> the Interest arising upon one third part thereof be annually paid to the deceaseds Widow for her Dower during her natural life, and the remaining two thirds be paid to the Guardians of the Children of the deceased to be by them put out for the benefit of the Heirs, and at the expiration of the natural life of the said Widow, her third be divided among the said deceaseds Heirs or their legal Representatives agreeable to Law. [*Passed April 4.*]

## CHAPTER 86.

## RESOLVE TRANSFERRING APPROPRIATIONS.

Legislative  
Records of the  
Council,  
xxviii., 127.

House Jour-  
nal, p. 133.  
Province  
Laws, v., 29,  
chap. 5.

*Resolved* that the sum of Fifteen hundred pounds be Transferred from the Appropriation of Grants to the Appropriation for Debts where there is no Establishment, and that the Treasurer be and hereby is directed to make the Transfer accordingly. [*Passed April 6.*]



## CHAPTER 87.

RESOLVE IMPOWERING JOHN BARKER, INDIAN, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Barker of Middleborough Indian Man Setting forth That he is the owner of about nineteen Acres and 23 rods of Land at a place called Bettys Neck in said Middleborough That by reason of Sickness and other misfortunes he is considerably in debt, and hath no way to discharge the same but by sale of Land That he has now an advantagious opportunity to dispose of the said 19 Acres and 23 Rods of Land: And praying that he may be impowered to make sale of the same accordingly.

[Read and]

*Resolved* That the Petitioner John Barker by and with the advice and under the direction of the Guardians of the Indians in the County of Plymouth be and hereby is impowered to make sale of the Lands in the Petition mentioned, and to give a good Deed or Deeds thereof to the purchaser or purchasers and apply the Monies arising by said Sale towards discharging the just debts of the Petitioner, the overplus if any be arising by said sale to be lodged with said Guardians for the use of said Petitioner. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xxviii., 128.

House Jour-  
nal, p. 132.  
Province  
Laws, xvi.,  
241, chap. 76,  
note.

## CHAPTER 88.

RESOLVE IMPOWERING RICHARD GRIDLEY TO SELL REAL ESTATE  
OWNED BY HIS WIFE, DECEASED, AND MAKING PROVISION IN RE-  
GARD TO THE PROCEEDS.

A PETITION of Richard Gridley of Boston Blacksmith Setting forth That his late Wife Sarah Gridley at the time of her death was in her own right possessed of a certain piece of Land with a Shop thereon in Orange Street which was in her life time Mortgaged for the Sum of Forty pounds lawful money, and the said Mortgage still remains unpaid That she also owned four other pieces of Land in said Boston the Income whereof Annually falls short of the expence of Fencing the same, and the whole value of the said four pieces is not one half so much as the first mentioned piece under Mortgage That his said Wife hath left three Children, and that it would be for their advantage if the said four pieces of Land were sold and the Money arising thereby (after payment of the said Mortgage) put out at Interest for their use. And praying that he may be impowered to sell the same accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and the Petitioner be and hereby is impowered to make sale of the whole of the Lands mentioned in said Petition for the most the same will fetch, and to make and execute a good & sufficient Deed or deeds thereof; He observing the rules of the Law for the sale of Real Estates by Executors and Administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that so much of the proceeds arising by such sale as is necessary be applied to discharge the said Mortgage and the remainder thereof be put out on Interest for the use and benefit of the aforesaid Children. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xxviii., 128.

House Jour-  
nal, pp. 117, 131.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 89.

RESOLVE DIRECTING THE SALE OF LANDS OF DEBORAH AND PATIENCE DAVID, INDIANS, FOR BUILDING A HOUSE FOR THEM.

Legislative  
Records of the  
Council,  
xxviii., 130.

House Jour-  
nal, pp. 130, 127,  
132. Province  
Laws, xvii.,  
269, chap. 104.

A PETITION of Deborah David and Patience David both of the Hasanamisco Tribe of Indians Setting forth That they are the owners of about twenty four Acres of Land lying in Grafton That they are wholly destitute of an House to shelter themselves from the inclemency of the Weather, whereby they are exposed to great hardships. And praying for liberty to sell so much of their Land aforesaid under the directions of their Guardians as shall be sufficient to erect them a small House.

[Read and]

*Resolved* that there be so much of the Petitioners Lands sold as will be sufficient to build them a small convenient House, and that the sale of the Lands and the building the House be under the directions of the Guardians of the Petitioners, and the said Petitioners under the direction of the Guardians be and hereby are empowered to give the purchaser or purchasers a good Deed or Deeds of the same. [*Passed April 6.*]

## CHAPTER 90.

RESOLVE IMPOWERING BENJAMIN DURFEE, ADM<sup>r</sup>, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxviii., 132.

House Jour-  
nal, pp. 128, 136.  
Province  
Laws, ii., 151.  
chap. 10.

A PETITION of Benjamin Durfee of Tiverton in the Colony of Rhode Island Setting forth That William Durfee late of s<sup>d</sup> Tiverton deceased by his last Will and Testament appointed James Durfee Executor, and empowered his said Executor to make sale of his House and Land and three quarters of his Saw Mill at Assonet River together with his out Lands all lying in the County of Bristol in this Province to enable him to pay his just debts and Legacies That the said James Durfee renounced the Executorship, whereupon Administration on the said deceaseds Estate, with the Will annexed was granted to the Petitioner who hath settled the Account of his said Administration, and that sundry large debts and Legacies yet remain unpaid. And praying that he may be authorized to make sale of the Real Estate aforesaid to be applied for the purposes aforementioned.

[Read and]

*Resolved* That the prayer of this Petition be granted, and the Petitioner be and hereby is empowered to make sale of the Real Estate mentioned in this Petition and execute a good Deed or Deeds thereof; he observing the Rules of the Law for the sale of Real Estates by Executors and administrators and giving caution to the Judge of Probate for the County of Bristol that the Money be applied for the purposes mentioned in said Petition. [*Passed April 6.*]

## CHAPTER 91.

RESOLVE IMPOWERING RUTH AND ROBERT CARR, EX<sup>RS</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ruth Carr and Robert Carr both of Warren in the Colony of Rhode Island Executors of the last Will and Testament of Caleb Carr late of said Warren Gent<sup>n</sup> deceased Setting forth That the said deceaseds Estate is insufficient to pay his just debts and has been represented Insolvent That the said deceased died siezed of one third part of two several Lots of Land in this Province, one lying in Rehoboth containing about ten acres; the other lying in Swanzey containing about twelve Acres: And praying that they may be impowered to make sale of the said Testators interest in the Lands aforesaid (the Widows Dower excepted) they to be accountable.

[Read and]

*Resolved* That the prayer of the foregoing Petition be granted, and that the Petitioners in their capacity be and they accordingly are hereby impowered to make sale of the Lands in the said Petition mentioned for the most the same will fetch they observing the Rules and directions of the Law respecting the sale of Real Estates by Executors and Administrators and that they shall be impowered to make and execute a good and sufficient Deed, or Deeds thereof, and giving sufficient security to the Judge of Probate for the County of Bristol, that the Proceeds thereof shall be applied for the payment of the Debts of the deceased, saving & first reserving out of the proceeds, the Interest of one third of such sale to the said Ruth Carr Widow, during her natural life, and the Overplus if any be, in the sale of the other parts, besides paying the deceased's Debts, be applied agreeable to his Will and the Law, and the Widow's part after her decease, shall be disposed of to and among the Heirs of the deceased, or their legal Representatives agreeable to Law. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xxviii., 133.

House Jour-  
nal, pp. 41, 114,  
131, 132. Prov-  
ince Laws,  
ii., 151, chap. 10.

## CHAPTER 92.

RESOLVE IMPOWERING SAMUEL DWIGHT, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Dwight of Dedham, father, and of Sarah Dwight of Ashburnham Widow, of Timothy Dwight late of said Ashburnham deceased Setting forth that the said Timothy died last Spring, siezed of several Tracts of wild Land in said Ashburnham on one of which he had but a short time before built a good house: That he has left two female Children the oldest of whom is about three years of age That there is very little to support the Widow, Sarah Dwight, and her Children, but the Real Estate aforesaid That no Income can arise therefrom, the Lands not being brought to, and there being no fence on the same; for which reasons, no person will become a Tenant thereon; And praying that Sam<sup>l</sup> Dwight one of the Petitioners, and Administrator on y<sup>e</sup> Estate of the said Timothy, may be impowered to make sale of the said House and Lands; he giving Security to pay the Widow one third part of

Legislative  
Records of the  
Council,  
xxviii., 139.

House Jour-  
nal, pp. 112, 142.  
Province  
Laws, ii., 151,  
chap. 10.

the Interest of the Money arising by such sale, during her natural life, and to apply the other two thirds for the benefit of his Grandchildren aforementioned

Read and

*Resolved* that the Prayer of the Petition be so far granted, as that Samuel Dwight, one of the Petitioners be, and hereby is impowered in his said Capacity of Administrator to make sale of the House within mentioned, and the Land adjoining, being about One hundred & Sixty Acres, for the most the same will fetch, and to make & execute a good Deed or Deeds of the same to the Purchaser, or Purchasers, he observing the directions of the Law for the sale of Real Estates by Executors and Administrators, and giving Caution to the Judge of Probate for the County of Worcester, that the Money arising by said sale be applied to the purposes mentioned in y<sup>e</sup> Petition. [*Passed April 10.*]

## CHAPTER 93.

RESOLVE IMPOWERING JACOB BENNITT, ADM<sup>r</sup>, TO RECONVEY LAND CONVEYED AS SECURITY FOR A DEBT, THOUGH NO BOND OF DEFEASANCE WAS GIVEN BY THE GRANTEE.

Legislative  
Records of the  
Council,  
xxviii., 140.

House Jour-  
nal, pp. 130, 137,  
143.

A PETITION of Jacob Bennitt of Leominster, Adminis<sup>r</sup> of the Estate of Elisha Bennitt late of Lancaster deceased, and of Jotham Bennitt of said Leominster Yeoman Setting forth that the said Jotham, on the 18<sup>th</sup> day of Nov<sup>r</sup> 1767 was indebted to the said Elisha in the Sum of 133.6.8 and for the security of the same, and the Interest thereof the said Jotham on the same day by his absolute Deed conveyed to the said Elisha his Farm in Leominster afores<sup>d</sup> containing One hundred Acres. That although there never was any Bond of Defeasance given by the said Elisha to the said Jotham, yet as the Petitioners are certain that the true Intent and design of the Conveyance of the farm aforesaid was only to secure the payment of the aforesaid Sum, with the Interest: Therefore praying that the said Jacob Admin<sup>r</sup> as aforesaid may be impowered to reconvey the said farm to the said Jotham, upon his paying the aforesaid Sum of £133.6.8 and the Interest thereof

[Read and]

*Resolved* that the Prayer of the above Petition be granted, and that the said Jacob Bennitt as Administrator on the Estate of Elisha Bennitt dec<sup>d</sup> Intestate, be and is hereby authorized and impowered to reconvey the Premises to the said Jotham Bennitt his Heirs & Assigns, he paying to the said Jacob Administrator as aforesaid the sum in the Pet<sup>n</sup> mentioned with the Interest thereof, which shall be considered as Assets in the Hands of said Administrator and applied accordingly. [*Passed April 10.*]

## CHAPTER 94.

## RESOLVE ALLOWING A COPY OF THE PROVINCE LAWS TO THE DISTRICT OF WARE.

A PETITION of William Breakenridge, in behalf of the District of Ware, setting forth, that the said District hath been incorporated ever since the year 1761, and hath never yet been furnished with the province Laws And praying that the said District may now be allowed them at the publick Expence.

Legislative  
Records of the  
Council,  
xxviii., 141.  
House Jour-  
nal, p. 144.

[Read and]

*Resolved* that the Prayer of this Petition be granted, and that the Petitioner be furnished with the Perpetual and temporary Laws, for the Benefit of the District of Ware, at the Expence of this Government as prayed for. [*Passed April 10.*]

## CHAPTER 95.

RESOLVE IMPOWERING SARAH FILLEBROWN, ADM<sup>X</sup>, TO SELL REAL ESTATE.

A PETITION of Sarah Fillebrown, Administratrix of the Estate of John Fillebrown late of Boston Distiller dec<sup>d</sup> Setting forth that the said deceased died siezed of one Moiety or half part of a Distil House and Utensils suitable for the same in Boston aforesaid That at the time of his decease he was indebted more than the whole Amount of all his other Estate That to sell a part of the said deceased's Interest in the said Distil House would greatly prejudice the Remainder. And praying that she may be empowered to make sale of the whole thereof, the Money arising by such sale, (after payment of the Debts) to be disposed of according to Law

Legislative  
Records of the  
Council,  
xxviii., 143.  
House Jour-  
nal, p. 145 *bis*.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and she hereby is empowered in her Capacity as Administratrix, to make sale of the Moiety or half part of the Still House & Utensils within mentioned, for the most the same will fetch, and to make and execute a good deed of the same to the purchaser thereof, she observing the directions of the Law, relating to the sale of Real Estates by Executors and Administrators, and giving sufficient Security to the Judge of Probate for the County of Suffolk, that the proceeds of said sale be applied to the purposes within-mentioned. [*Passed April 10.*]

## CHAPTER 96.

RESOLVE APPOINTING CAP<sup>T</sup> DWIGHT TO SURVEY PROV<sup>CE</sup> LANDS TO Y<sup>E</sup> WESTWARD.

*Resolved* that Cap<sup>t</sup> Nathaniel Dwight be hereby appointed a Comm<sup>e</sup> in behalf of this Province to make Enquiry, and endeavor to find out, all the unappropriated Lands belonging to this Province,

Legislative  
Records of the  
Council,  
xxviii., 145.



House Journal, pp. 136, 137.

lying either within the County of Hampshire or Berkshire, and to make and lodge in the Secretary's Office as soon as may be true and accurate Plans of the several Tracts and Parcells of such unappropriated Lands, therein expressing the Bounds and Quantity of each Tract, with such Certainty that the General Court may act with knowledge and safety, in the disposition of the same. [*Passed April 10.*]

## CHAPTER 97.

RESOLVE REQUIRING THOMAS RICE TO CALL A TOWN MEETING AT POWNALBOROUGH FOR CHOOSING TOWN OFFICERS AND TRANSACTING OTHER BUSINESS.

Legislative Records of the Council, xxviii., 147.

House Journal, pp. 116, 117, 143.

A PETITION of Thomas Rice of Pownalborough in behalf of said Town; Setting forth That in March 1768 the Inhabitants of said Town had their annual Meeting agreeable to Law, at which Meeting, they made choice of three selectmen, whom also they chose Assessors, of whom the Petitioner was one That in the Month of July following one of said Select men sailed for England, and about the same time the other was removed by death, so that there not being the Majority of the Assessors left, none of the Monies raised at said Meeting have been assessed upon the Inhabitants, by means whereof the said Town labours under great disadvantages That the said Town have not had any Meeting since, as the Petitioner apprehended he (being but a Minor part of the Selectmen chosen) could not call one himself, so that the said Town is in great disorder And praying Relief.

[Read and]

*Resolved* that Thomas Rice Esq<sup>r</sup> Petitioner, in behalf of the Inhabitants of the Town of Pownalborough, be and hereby is required and impowered to issue his Warrant directed to the Persons chosen Constables for the said Town, in the year 1768, requiring them or either of them to notify and warn the Freeholders, & other Inhabitants in said Town, qualified according to Law to vote in Town Meetings to assemble at such time and place, as in and by said Warrant shall be required, to chuse such Officers as by Law Towns are required to do, in the Month of March annually, & further to consider & determine such other matters and things as shall be mentioned in the said Warrant. And the Assessors that shall or may be chosen at said Meeting are hereby required and impowered to assess such Sums of Money as were granted by the said Town in the Month of March 1768, for defraying the Charges arisen in said Town, also all County Charges required to to<sup>1</sup> be assessed on the Inhabitants of said Town in the years 1768, and 1769, and the Province Tax assessed on said Town the last year, and the Province Treasurer & Assessors afores<sup>d</sup> respectively are impowered, and directed to issue their Warrants to the Constables or Collectors that may be chosen at said Meeting to levy & collect the same, and the said Constables or Collectors are required to collect and pay the same as in and by the said Warrants shall be directed and ordered. [*Passed April 10.*]

<sup>1</sup> *Sic.*



## CHAPTER 98.

## RESOLVE CONFIRMING THE ACTS OF THE ASSESSORS OF FALMOUTH FOR THE YEARS 1764-1768.

A PETITION of Thomas Smith jun<sup>r</sup> in behalf of the first Parish in Falmouth, in the County of Cumberland Setting forth that Peter Noyes a Parish Assessor, in the years 1764, 1765, 1766, 1767, & 1768, had omitted taking the Oaths by Law required; the two other Assessors being duly sworn it was not thought necessary, that the said Peter should be sworn; by reason whereof, the legality of the Bills of Assessment, and Warrants for those years may be disputed, and the Collection of Rates outstanding be prevented. And praying that the Acts and Doings of said Assessors for the said Years may be made valid, the Omission aforesaid notwithstanding.

[Read and]

*Resolved* that the Prayer of the Petition, [be granted]<sup>1</sup> and that the Assessments made and the Warrants issued by the Assessors of the first Parish in Falmouth, for the years 1764, 1765, 1766, & 1767, & 1768, be & hereby are and shall be to all Intents and Purposes held good and valid notwithstanding Peter Noyes one of the Assessors for said years, omitted to take the Oaths required by Law previous to making said Assessments, or issuing such Warrants; it appearing that said Peter hath since sworn, that in making the Rates for those several years, he acted impartially and faithfully, according to Law, and his best Skill and Judgment. [*Passed April 13.*]

Legislative  
Records of the  
Council,  
xxviii., 156.

House Jour-  
nal, pp. 150, 151,  
152, 153.

## CHAPTER 99.

## RESOLVE IMPOWERING THE JUSTICES OF THE COMMON PLEAS OF CUMBERLAND COUNTY TO RECTIFY A MISTAKE IN THE RECORD OF A JUDGMENT.

A PETITION of David Aldin Setting forth, that at the Inferior Court of Common Pleas held at Falmouth for the County of Cumberland, in October 1767, he recovered Judgment against Charles Woodbury for Debt and Costs That through the Neglect of the Petitioners Attorney, the Jury's Fees, and the Petitioners Attendance are omitted in the Bill of Costs That the Petitioner has applied to the said Court to rectify the said Mistake, but finds that it is not in their power to do it And praying Relief.

[Read and]

*Resolved* that the Justices of the Court of Common Pleas for the County of Cumberland be empowered to rectify, the Mistake mentioned in said Petition, at their next sitting, or any time after, at their sitting in said County; and that the Defendant in said Action, or his Attorney be notified of the time of taxing said Bill. [*Passed April 13.*]

Legislative  
Records of the  
Council,  
xxviii., 159.

House Jour-  
nal, pp. 144, 146.

<sup>1</sup> Inserted from the House Journal, p. 152.

## CHAPTER 100.

RESOLVE IMPOWERING THE GUARDIANS OF THE CHILDREN OF JOSEPH ABBOT, JR., TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 160.

House Jour-  
nal, pp. 117, 149.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Henry Abbot jun<sup>r</sup> Joshua Holt, & John Abbot the 4<sup>th</sup> Guardians of the Children of Joseph Abbot jun<sup>r</sup> late of Andover deceased setting forth That the Estate of the said dec<sup>d</sup> consists of between fifty & sixty Acres of Land with an old dwelling House and Barn standing thereon, and one quarter part of a Grist Mill, on Shawshin River in said Andover That the Expences of keeping the premisses in repair, amounts to near as much as the Rent thereof That the House and Barn being much decayed requires a considerable Expence to be immediately laid out upon them, or they will become of but little Value, and that the Fences enclosing said Land, are daily going to decay That it would be greatly for the Advantage of the Heirs, if the said Estate was sold, and the Money placed at Interest for them. And praying that they may be impowered to sell the same accordingly; they to be accountable.

[Read and]

*Resolved* that the Prayer of the Petition be granted and that the said Guardians be and they accordingly are hereby impowered to sell all the Estate in their Petition mentioned for the most the same will fetch and give sufficient Deed or Deeds thereof, they observing the rules of the Law relative to the sale of Real Estates by Executors and Administrators, and giving sufficient Security to the Judge of Probate for the County of Essex, that the Proceeds of said sale, shall be applied as follows, Viz<sup>t</sup> that there shall be paid to the Widow of the dec<sup>d</sup> the Interest of one third part thereof annually, during her natural life for her Support, and after her decease the same to be divided to and among the respective Heirs of the said Joseph, or their legal Representatives, agreeable to Law, and that the other two thirds shall be put out to Interest for the Benefit of the Children of the deceased, and be paid to them respectively at lawful Age, or their legal Representatives, such proportion as they would inherit, had the said Estate not been sold as aforesaid. [*Passed April 13.*]

## CHAPTER 101.

RESOLVE IMPOWERING ABIJAH INGALLS, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 161.

House Jour-  
nal, pp. 117, 147.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Abijah Ingalls of Andover Administ<sup>r</sup> of the Estate of Jonathan Hutchinson late of s<sup>d</sup> Andover dec<sup>d</sup> Intestate Setting forth That the Debts due from the Estate of the said dec<sup>d</sup> exceed the personal Estate by the sum of £94 that to sell so much of the Real Estate of the said dec<sup>d</sup> as will be sufficient to discharge the said Debts, will render the remaining part of but little Value; the whole whereof is appraised at, but £260 And praying that he may be impowered to make sale of the whole of the Real Estate of the said dec<sup>d</sup> he to be accountable

[Read and]

*Resolved* that the Prayer of the foregoing Petition be granted and

that the said Abijah be, and he accordingly is hereby fully impowered to sell all the Estate in his Petition mentioned for the most the same will fetch, and make and execute a good & sufficient Deed or Deeds thereof, he observing the Rules and directions of the Law, respecting the sale of Real Estates by Executors and Administrators, and giving sufficient Security to the Judge of Probate for the County of Essex that the Proceeds of said [sale]<sup>1</sup> shall be applied, as followeth, Viz<sup>t</sup> that the Interest of one third part thereof shall be annually paid to Elizabeth Hutchinson, the Widow of the said Jonathan Hutchinson dec<sup>d</sup> for her Support, during her natural life, and after her decease the same shall be paid to the Heirs of the said Jonathan, or their legal Representatives, agreeable to Law, and that the other two thirds thereof, be applied, first to pay the just Debts of the said deceased, which the personal Estate was not sufficient to pay, and the Residue thereof be paid, to the Heirs of the said deceased, or their Guardians for their use, in such proportion as they would have received their respective parts, or Portions of said Estate, if the same had not been sold as aforesaid. [*Passed April 13.*]

## CHAPTER 102.

RESOLVE IMPOWERING SARAH CHIPMAN AND WILLIAM RIPLEY TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Chipman Widow of Seth Chipman late of Kingston in the County of Plymouth Mariner dec<sup>d</sup> and of William Ripley Father of the said Sarah Setting forth That the said deceased died siezed of a Real Estate in Kingston aforesaid, consisting of a dwelling House & Barn and twelve Acres of homestead Land, and about fifty Acres of Woodland. That the Estate of the said deceased being in debt, part of the Real Estate afores<sup>d</sup> Viz<sup>t</sup> four Acres from the Homestead, and thirty Acres of the Woodland was sold by the Admi<sup>r</sup> of the said Estate to discharge the same, which has been found insufficient for that purpose by the Sum of £31.16.7 that the Buildings aforesaid, and the Fences enclosing the Land are daily decaying, and the remaining part of the Woodland very much stript of the Wood, so that it would be greatly for the Advantage of the Widow & Children of the said deceased; (being two daughters, the eldest not more than five years of age) if the whole of the Real Estate aforesaid yet remaining unsold was disposed of, & the proceeds thereof (after payment of the Debts still due from the said deceased's Estate) put out at Interest for them. And praying that they may be impowered to sell the same accordingly, they to be accountable. The administrator of the said deceased's Estate having refused to Act any further in that Capacity

[Read and]

*Resolved* that the Prayer of the Petition be granted, and that the Petitioners be, and they are hereby authorized and impowered to make sale of the whole of the Real Estate of the within mentioned Seth Chipman dec<sup>d</sup> for the most the same will fetch, and to make and execute a good Deed or Deeds of the same, to the Purchaser or purchasers thereof, they observing the directions of the Law for the sale of Real Estates by Executors & Admin<sup>rs</sup> and giving sufficient

Legislative  
Records of the  
Council,  
xxviii., 164.

House Journal, pp. 119, 146.  
Province  
Laws, II., 151,  
chap. 10.

<sup>1</sup> Inserted from House Journal, p. 147 (April 13, 1770).

Security to the Judge of Probate for the County of Plymouth, that the Money arising by said sale, be applied, so much as is sufficient for the payment of said deceased's Debts, and the Overplus pnt to Interest for the Benefit of the Widow and Heirs. [*Passed April 13.*]

## CHAPTER 103.

RESOLVES IMPOWERING CHARLES PYNCHON AND OTHERS, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 165.

House Jour-  
nal, pp. 142, 146,  
147.

A PETITION of Charles Pynchon Physician, Jon<sup>a</sup> Dwight Yeoman, and Elizabeth Dwight Widow, all of Springfield. Setting forth That they with John Worthington Esq<sup>r</sup> of said Springfield were by Josiah Dwight Esq<sup>r</sup> late of said Springfield dec<sup>d</sup> appointed Executors of his last Will & Testament That the said Josiah by his said Will impowered his said Executors and the survivors of them to make sale of sundry parts and parcels of his Real Estate for certain purposes That the Petitioners have proved the s<sup>d</sup> Will and accepted the said Trust, which the said John hath declined. And praying that for answering the good Ends proposed by the said Testator, they & the Survivors of them may be impowered may be impowered<sup>1</sup> to make sale of such parts of the Real Estate of which the s<sup>d</sup> Testator died siezed, and make good and sufficient Conveyances thereof, in the same manner, and to the same purposes, without the participation of the said John, as they and he might together have done, by virtue of the said Will. And also setting forth, that the said Testator after executing his said Will mentioned to one of the Petitioners, that if any Mortgagers of any Lands to him should thereafter be able & desirous to redeem the same, that he desired the same might be released to them by his Executors on like terms and Conditions as if the time of Redemption thereof by Law was not elapsed, but that he omitted to make any Provision of Power to them therefor; that one or two Instances have already appeared, and others hereafter probably may, of such Cases of Mortgagers who have lost their right of Redemption, who would now gladly redeem, and where the Redemption would probably be for the Advantage both of the Mortgagers, & the Heirs And praying that they may be impowered by this Court for the purposes aforesaid, upon the Mortgagers paying the Mortgage Money, and the Interest thereof And whereas the said Josiah in his life time purchased one twelfth part of a Saw Mill, standing on Mill River so called at the South End of the Town Street near the house of Zachariah Warner jun<sup>r</sup> in said Springfield for no other end, but only to oblige the said Zachariah, and with design to convey the same to him, whenever he should be able to pay the purchase Price and Interest, which the said Zachariah is now able & desirous to do; therefore praying that they may be enabled to convey the same to the said Zachariah, on his paying the s<sup>d</sup> purchase Money, and Interest thereof, for the use of the Heirs agreeable to the tenor of said Will.

[Read and]

*Resolved* that the Prayer of the Petition be granted, and that the Petitioners, and the Survivors, or Survivor of them, in their said

<sup>1</sup> *Sic.*

Capacity, be [and] <sup>1</sup> they accordingly are hereby impowered, to make sale of such parts of the said Real Estate, and make good & sufficient Conveyances and Assurances thereof, in the same manner, and to the same purposes, without the participation of the said John Worthington Esq<sup>r</sup> as they all might have done together, by virtue of said Will. And further

*Resolved* that the said Petitioners and the Survivors, or Survivor of them be and they accordingly are hereby impowered (during the Execution of his her, or their trust) to release to the Mortgagers, or their Heirs, the Right, or Rights of the Heirs of the said Testator, to any such Land, or Real Estate, mortgaged to him in his life time, upon the said Mortgager or Mortgagers paying to the said Executors, or the Guardians of the Children of the said Josiah Dwight Esq<sup>r</sup> dec<sup>d</sup> for their use, the Mortgage Money, and the Interest thereof notwithstanding the time by Law limited for the Redemption thereof is elapsed. And further,

*Resolved* that the said Petitioners be, & they accordingly are hereby impowered to convey to Zachariah Warner Jun<sup>r</sup> of Springfield, the twelfth part of the Saw Mill in their Petition mentioned, upon his paying to them, or the Guardians of the Heirs of the Testator the purchase Money of the same, and the Interest thereof, for the use of said Heirs in such proportion, and in the same manner, as is ordered by the Testator, in case the said Interest in said Saw Mill had remained to said Estate. [*Passed April 13.*]

## CHAPTER 104.

### RESOLVE GRANTING 750 ACRES OF EQUIVALENT LANDS TO THE TOWN OF UXBRIDGE.

ON THE PETITION of Ezekiel Wood Representative for the town of Uxbridge, in behalf of said town, shewing that the great & General Court of this Province at their Session in May 1737, granted five hundred Acres of unappropriated Lands of said Province to said town, which fell within New Hampshire on running the line between this Province and that

Legislative  
Records of the  
Council,  
xxviii., 167.

House Jour-  
nal, pp. 134, 151.  
Province  
Laws, xii., 470,  
chap. 260.

*Resolved* that in lieu thereof, there be hereby granted to the Inhabitants of said town of Uxbridge, Seven hundred & fifty Acres of the unappropriated Lands of this Province, and that they return a Plan thereof, taken by a Surveyor & Chainmen under Oath, into the Secretary's Office within twelve Months from this day, in order for Confirmation. [*Passed April 14.*]

## CHAPTER 105.

### RESOLVE IMPOWERING RACHEL MASTERS AND RICHARD HICKLING, ADM<sup>ES</sup>, TO EXECUTE A DEED.

A PETITION of Edward Potter of Boston Cooper, and of Rachel Masters, and William Hickling as they are Administrators of the Estate of Philip Masters late of said Boston Retailer dec<sup>d</sup> Setting

Legislative  
Records of the  
Council,  
xxviii., 168.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xxviii., 166.



House Jour-  
nal, pp. 121, 151,  
152.

forth that the Petitioner Edward Potter in the life time of the said Philip Masters, Viz<sup>t</sup> on the 17<sup>th</sup> day of June 1761 for the Consideration Sum of One hundred Pounds bought & purchased of said Philip a certain piece of Land near Oliver's Dock, so called, & then paid to said Philip the greatest part of said Sum & gave him security for the Remainder thereof, but it so happened, that the said Philip soon after died without executing a Deed to the said Edward

That the said Edward hath paid (to the Petitioner's Administrators aforesaid) since the death of the said Philip, the remainder of said purchase Consideration. And praying, that the said Rachel & William, the Administrators aforesaid may be impowered, to give & execute unto the said Edward a good & legal Deed of the piece of Land aforesaid, in as full and effectual a manner, as if said Deed had been given by said Intestate in his life time.

[Read and]

*Resolved* that the said Administrators with such Children of the said deceased as are of the age of twenty one years be hereby authorized and impowered if they see meet to execute to the said Edward Potter a Deed of bargain and sale of the said piece of Land in fee simple; and that such Deed so executed shall be as valid and effectual to all intents and purposes to vest the said Edward Potter with an Estate in said Land as if the said deceased had made his Deed thereof to the said Edward in his life time: and that such Deed when executed shall be in full satisfaction and discharge of all the Sums of money which the said Edward has paid for said piece of Land either to the said deceased in his life time or to the said administrators since his death. [*Passed April 16.*]

## CHAPTER 106.

RESOLVE IMPOWERING OLIVER PRESCOTT, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 170.

House Jour-  
nal, pp. 115, 156.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Oliver Prescott Administrator of the Estate of Aaron Farnsworth late of Groton deceased Setting forth, That the debts due from the Estate of the said deceased amount to about Eighty pounds more than the said deceaseds Personal Estate That the Real Estate of which the said Aaron died siezed consists of twenty four Acres of Land with the Buildings thereon and about thirteen Acres of poor Pine Land in said Groton the whole apprized at £146: That the deceased left seven Children, two of whom are Minors and the others are unable to purchase any of said Lands, they being in necessitous circumstances. And praying that he may be impowered to make sale of the whole of the Real Estate aforesaid; the Money arising thereby, after payment of the debts, to be distributed to and among the Heirs according to Law; he to be accountable.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and he is hereby fully impowered to make sale of the Real Estate within mentioned for the most the same will fetch, and to make and execute a good Deed or deeds of the same to the purchaser or purchasers thereof, he observing the directions of the Laws relating to the sale of Real Estates by Executors and Admin-



istrators and giving sufficient security to the Judge of Probate for the County of Middlesex that the Money arising by said sale be applied to the payment of the said deceaseds just debts, and the overplus, if any be, be distributed among the Heirs according to Law. [*Passed April 16.*]

## CHAPTER 107.

RESOLVE IMPOWERING JAS. RUSSELL AND JON<sup>A</sup> SEWALL, EXECUTORS, TO EXECUTE A DEED AND SARAH ATKINS, GUARDIAN, TO RELEASE A LEGACY.

A PETITION of James Russell and Jonathan Sewall Esq<sup>rs</sup> Executors of the last Will and Testament of Chambers Russell late of Lincoln in the County of Middlesex Esq<sup>r</sup> deceased Setting forth That the said Testator, among other things, did give and bequeath to his niece Mary Russell Atkins the Sum of One thousand pounds lawful money to be paid her at her Marriage or when she shall arrive at the age of twenty one years which should first happen, And ordered that the said Sum should be raised by the sale of his Real Estate and be put out at Interest upon good security and the Interest thereof be paid annually towards the support and Education of the said Mary Russell Atkins That since the death of the said Testator which hapned in Novem<sup>r</sup> 1766 the Petitioners have been endeavouring to make sale of some part of the said deceaseds Real Estate for the payment of his just debts and for raising the aforesaid Sum, but have not been able to effect the same That the said Mary Russell Atkins by Sarah Atkins her Mother and Guardian has commenced an action against the said Executors for the Interest of the aforesaid Sum, and has recovered Judgment for the same, and that the said Executors have no means of paying the Interest aforesaid for the time past or to come but by shewing the said Real Estate and suffering the same to be taken to satisfy the Judgments which shall from time to time be recovered against them annually, in which case the whole Estate will be unavoidably spent before the said Mary Russell Atkins arrives at the age of twenty one and nothing will be left for payment of the principal For these reasons the said Executors, the said Guardian on behalf of her said Daughter and Ward, and Charles Russell the residuary Legatee have agreed that the said Executors shall convey by Deed to the said Mary Russell Atkins so much of the Real Estate as indifferent men to be mutually chosen, shall adjudge to be worth the said Sum of One thousand pounds, and that the Interest now due shall be paid up, and that thereupon the said Guardian shall execute and deliver to the said Executors a full release and discharge of the aforesaid Legacy; but that the Parties to the aforesaid agreement are in doubt whether such Release can be made by the said Guardian without the aid of this Court to render the same valid, inasmuch as the said Legacy, by the Will, is not to be paid before the said Legatee is of full age or married. And praying the aid of this Court accordingly

[Read and]

*Resolved* that the prayer thereof be granted, and that said Executors be and they hereby are impowered to execute to Mary Russell Atkins a Deed in fee simple of so much Land or Real Estate of the said deceased as shall amount to the value of the Legacy bequeathed

Legislative  
Records of the  
Council,  
xxviii., 171.

House Jour-  
nal, pp. 136, 145,  
146, 151.

to her in said Will in the Judgment of indifferent men chosen as is proposed in said Petition, and that Sarah Atkins mother and Guardian of said Mary Russell Atkins be & hereby is impowered on the making and executing such Deed by said Executors to the satisfaction of said Guardian and upon payment of the Interest according to said Will, to make, execute and deliver a full Release of the Legacy aforesaid, and such Release shall forever after be valid and sufficient to discharge the said Executors from all demands and to bar all Actions that may hereafter be brought for, or on account of the same Legacy and shall operate and be effectual to all intents and purposes as if the said Mary Russell Atkins had been of full age and had made such Release in her own proper Person. [*Passed April 16.*]

## CHAPTER 108.

RESOLVE IMPOWERING ELIZ<sup>A</sup> WARNER, ADM<sup>S</sup>, TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xxviii., 174.

House Jour-  
nal, pp. 137, 156,  
164.

A PETITION of David Rowe of Gloucester and of Daniel Warner attorney to the Administratrix of the Estate of Philemon Warner jun<sup>r</sup> late of said Gloucester deceased Setting forth, That the said David Rowe in the life time of the said Philemon gave him a Bond and notes of hand to the amount of £40, and as security for the payment of the said Bond and notes the said David conveyed by Deed of Sale his House and Land in Gloucester aforesaid to the said Philemon and for no other consideration whatever, which (although it is not mentioned in the said Deed of Sale) appears by a writing under the hand of the said Philemon exhibited with said Petition. And praying that the said Administratrix may be impowered to reconvey the Premises to the said David upon payment of the Bond and notes aforementioned.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that Elizabeth Warner administratrix on the Estate of Philemon Warner jun<sup>r</sup> late of Gloucester deceased, when the said David Rowe shall have discharged the Bond and notes mentioned in the Petition be and she hereby is impowered to reconvey the House and Land mentioned in the Petition and execute a good Deed in Law of the same to David Rowe, it appearing that the Deed of said House and Land given by said David Rowe to Philemon Warner was for securing payment of a Bond and notes which said David Rowe had given to said Philemon in his life time and for no other purpose whatever. [*Passed April 17.*]

## CHAPTER 109.

RESOLVE IMPOWERING ELIZ<sup>A</sup> SAWTELL, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 174.

House Jour-  
nal, pp. 147, 156.

A PETITION of Elizabeth Sawtell Administratrix of the Estate of her late Husband David Bennett late of Shirley deceased Setting forth, That the Personal Estate of the said deceased is insufficient to pay his just debts by the Sum of £8.11.— $\frac{1}{4}$  That the said David

died siezed of about fifty acres of poor Land; most of it wild and unimproved with a small House and Barn thereon. That the said deceased left three small Children, for whose benefit, as well as the Petitioners, it would greatly be, if the said Estate was sold and the money arising by the sale secured for them, especially as the Rent thereof will a very little more than keep the Buildings in repair; and that to sell so much as will be sufficient to pay the debts would much prejudice the remainder of the Estate. And praying that she may be impowered to sell the whole accordingly; she to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is in her said capacity hereby fully impowered to sell the whole of the Real Estate in her said Petition mentioned for the most the same will fetch, she observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of middlesex that the Interest of one third part of the proceeds of such sale shall be annually paid to the Widow of said deceased for her support during her natural life and after her decease the same shall be divided among the Heirs of the said David Bennett deceased or their legal Representatives, and the other two thirds shall first be applied to payment of the debts of said deceased which the Personal Estate was not sufficient to pay, and the residue thereof shall be paid to the Guardian of the Children of the said David Bennett deceased to be put to Interest for their use and benefit. [*Passed April 17.*]

Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 110.

### RESOLVE IMPOWERING HUGH ORR, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hugh Orr Guardian of James Alden, Adam Alden, Joseph Alden and Benjamin Alden minors and Children of John Alden late of Bridgewater deceased. Setting forth, That the said minors stand siezed of about twenty nine Acres of Land with a House, Barn & other Buildings thereon, devised to them by their said Father. That the said Estate is not capable of a division to and among the said Minors without great prejudice thereto, and the Buildings and Fences on the said Farm are greatly decayed. And praying that he may be impowered to make Sale of the same for their benefit; the Widow having released her Dower therein to the said minors.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and he is hereby authorized & impowered to make sale of the twenty nine acres of Land within mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds of the same to the purchaser or purchasers thereof, he observing the directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Plymouth that the money arising by said sale together with the Interest thereof shall be paid to the said minors in proportion to their Interest in said Land as they shall respectively arrive at full age. [*Passed April 17.*]

Legislative  
Records of the  
Council,  
xxviii., 175.

House Jour-  
nal, pp. 32, 116,  
157. Prov-  
ince Laws, ii.,  
151, chap. 10.

## CHAPTER 111.

## RESOLVE ALLOWING 19/6 EACH TO DIVERS PERSONS.

Legislative  
Records of the  
Council,  
xxviii., 176.

House Jour-  
nal, pp. 116, 157.

A PETITION of Pearson Eaton, Isaac Bayley and Moses Ritter all of Lunenburg in the County of Worcester Setting forth, That they were summoned as Evidences on behalf of the King against William Little Indicted for Barritry at October Term 1766 for the County of Middlesex, but through some neglect they were not made up in the Bill of Costs, by reason whereof they have not received any pay for their Travel ninety miles and attendance five days, notwithstanding the said Little was Convicted of the said Offence: and praying an allowance therefor.

[Read and]

*Resolved* that the Sum of nineteen shillings and six pence lawful Money be paid out of the Province Treasury to each of the above Petitioners in full for the Service in the said Petition mentioned. [*Passed April 17.*]

## CHAPTER 112.

## RESOLVE ALLOWING £4. 15. 6 TO THE TOWN OF MEDWAY.

Legislative  
Records of the  
Council,  
xxviii., 177.

Mass.  
Archives,  
cxxv., 387.  
Executive  
Records of the  
Council, xvi.,  
469. House  
Journal,  
pp. 117, 122, 159.

A PETITION of the Overseers of the Poor of the Town of Medway Praying that they may be reimbursed what they have expended for the support of one John Williams a poor Person and a Native of Exeter in old England. And as he is desirous of returning to his native Country Praying that he may be sent thither at the expence of the Government.

[Read and]

*Resolved* that there be now paid out of the Public Treasury the Sum of four pounds, fifteen shillings and six pence to the Overseers of the Poor of the Town of Medway for what they have expended towards the support of John Williams a transient person 'till the 15 of March last, and that he be transported as soon as may be to Great Britain at the charge of this Province under the direction of the Overseers of the Poor of the Town of medway. [*Passed \* April 17.*]

## CHAPTER 113.

## ORDERS DISCHARGING THE DISTRICT OF SOUTH HADLEY FROM CERTAIN TAXES AND IMPOSING THE SAME UPON GRANBY.

Legislative  
Records of the  
Council,  
xxviii., 180.

House Jour-  
nal, pp. 108, 132,  
133, 151, 165.  
Province  
Laws, v., 10,  
chap. 1.

WHEREAS the Sum of Ninety four pounds, one shilling and two pence was laid upon the District of South Hadley as their proportion of the Province Tax for the year 1769 and the Treasurer accordingly issued his Warrant directed to the Selectmen or Assessors of said District to apportion the same: And whereas the Selectmen or Assessors have apportioned but Fifty three pounds, eight shillings and five pence part of the aforesaid Sum of Ninety four pounds, one shilling and two pence, assigning for reason that forty pounds,

twelve shillings and nine pence which compleats the Sum of Ninety four pounds, one shilling and two pence ought by Law to have been laid upon Granby; therefore

*Ordered* that the Treasurer discharge the District of South Hadley of the Sum of forty pounds, twelve shillings and nine pence, and issue out his Warrants to the assessors of the Town of Granby requiring them to assess the Inhabitants thereof the aforesaid Sum of forty pounds, twelve shillings and two pence, which Warrant shall be good to all intents and purposes as if they were Taxed that Sum in the Tax Act that passed last June; And it is further

*Ordered* that whereas the Court of General Sessions of the peace for the County of Hampshire have likewise laid the proportion of the County Rate last assessed on South Hadley which ought to have been laid on the Town of Granby, the said Court be and hereby is impowered at any Session hereafter to make such apportionment of County Rates on said Town and District as to correct the former mistake and do justice between them. [*Passed April 19.*]

## CHAPTER 114.

### RESOLVE IMPOWERING MARY PUTNAM, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Putnam Administratrix of the Estate of her late Husband John Putnam jun<sup>r</sup> late of Sutton deceased Setting forth That the Personal Estate of the said deceased including the Provisions for the use of the Family amounts to £28.6.10 That the debts due from the said Estate amount to £28.17.6 That the said deceased left five young Children and died seized of a Real Estate in said Sutton containing twenty seven Acres and an half of Land with the Buildings thereon apprizd at £33 And praying that she may be impowered to make Sale thereof for the payment of the debts and the support of herself and Children; she to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is hereby impowered to make sale of all the Real Estate in her Petition mentioned, she observing the rules and directions of the Law for the Sale of Real Estates by Executors and Administrators, and that she be enabled to make and execute a good and sufficient Deed or Deeds thereof, first giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> that the Interest of one third part thereof be reserved to be annually allowed to the Widow of the deceased in lieu of her Dower in said Estate during her natural life, and after her decease to be divided among the Heirs at Law of the said John Putnam deceased or their legal Representatives, and that the other two thirds thereof be applied first for payment of the debts of the deceased which the Personal Estate was not sufficient to pay, and the residue thereof be put to Interest for the benefit of the Children of the said deceased. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xxviii., 181.

House Jour-  
nal, pp. 159, 163.  
Province  
Laws, li., 151,  
chap. 10.



## CHAPTER 115.

## RESOLVE IMPOWERING NATHAN SIMMONS, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxviii., 182.

House Jour-  
nal, pp. 135, 162.  
163. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Nathan Simmons Administrator of the Estate of Ichabod Davis late of Freetown in the County of Bristol deceased Setting forth, That the deceaseds Real and Personal Estate being insufficient to pay his just debts, the said Estate has been represented Insolvent. And Praying that he may be impowered to make Sale of the Real Estate, the proceeds whereof to be applied towards the payment of the debts.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and hereby is impowered to make sale of the Real Estate of said deceased, and to make and execute a good Deed or Deeds thereof, he observing the rules of the Law for the sale of Real Estates by Executors and Administrators and giving caution to the Judge of Probate for the County of Bristol that the proceeds of the sale be applied for the purposes mentioned. [*Passed April 19.*]

## CHAPTER 116.

RESOLVE IMPOWERING ANNA MUNRO, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 182.

House Jour-  
nal, pp. 145, 162.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Anna Munro Administratrix of the Estate of her late Husband John Munro late of Lexington deceased Setting forth That the debts due from the said deceaseds Estate amount to £136.5.8 and his Personal Estate to no more than £102.4.0¼ That the said deceased left four young Children and died siezed of a Real Estate containing about forty Acres of Land with the Buildings thereon in said Lexington apprized at £170.16.8 That if so much of the said Real Estate should be sold as would be sufficient to pay the debts remaining after the Personal Estate is disposed of, the remaining part of the Real Estate will be of little value. And praying that she may be impowered to sell the whole thereof for payment of the debts and the support of herself and Children; she to be accountable.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and she is hereby authorized and impowered to make sale of the Land and Buildings within mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds of the same to the purchaser or purchasers thereof; she observing the directions of the Law relating to the sale of Real Estates by Executors and Administrators, and giving sufficient security to the Judge of Probate for the County of Middlesex that one third part of the Monies arising by said sale be put out at Interest for the benefit of the Widow, of the within named deceased in lieu of her right or thirds in the Premises during her natural life, and the remainder, after the just debts of the deceased are paid, to be put out at Interest for the benefit of the Children, and that each Child's proportion of principal and Interest be paid them as they shall respectively come



of age, and that at the decease of the said Widow each Child's proportion of the other third shall be divided to and among them or their legal Representatives according to the directions of the Law. [*Passed April 19.*]

## CHAPTER 117.

### RESOLVE IMPOWERING ABIGAIL MASON TO EXECUTE A DEED.

A PETITION of Abigail Mason of North Yarmouth in the County of Cumberland Widow Setting forth, That her late Husband John Mason late of said Town deceased bargained and sold twenty one Acres of Land with the appurtenances in said North Yarmouth to his Brother Sam<sup>l</sup> Mason for the Sum of Eighty pounds and received near Thirteen pounds, six shillings and eight pence in part for said Land, but that the said John Mason soon after viz<sup>t</sup> on the last day of January last, died without giving a Deed of said Land That the said Samuel is desirous of paying the remainder of the said purchase consideration and having a Deed of the said Land. And praying that she may be empowered to make and execute a Deed of the Premises to the said Samuel Mason accordingly.

[*Read and*]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner Abigail Mason be and she accordingly is hereby empowered to make and execute a good Deed of bargain and Sale of the Land in her Petition mentioned to the said Samuel Mason upon his paying the remainder of the purchase Money not paid to her late Husband John Mason deceased according to the bargain by them made, always provided that the said Abigail the Petitioner shall first give sufficient security to the Judge of Probate for the County of Cumberland duly to account for the same for the use and benefit of the Heirs at Law of the said John Mason deceased. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xxviii., 183.

House Jour-  
nal, pp. 142, 161.

## CHAPTER 118.

### RESOLVE IMPOWERING STEPHEN DAVIS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Stephen Davis Guardian of Thadeus Fitch a Minor Son of Joseph Fitch late of Bedford deceased Setting forth, That the said deceased by his last Will and Testament appropriated a certain part of his Estate for the payment of his debts and charges, and if that should not be sufficient for the purpose, ordered that such deficiency should be born equally by his two Sons Joseph and Thadeus, and also ordered that his said two Sons should pay to two of his daughters certain Legacies at different periods That the Estate thus appropriated is insufficient to pay the debts and Legacies now due by the Sum of £171.9.8 That the Real Estate devised to the said Thadeus by the said deceased (exclusive of the Widows thirds) consists of part of the Buildings and about thirty six Acres of Land, which, according to estimation, will not sell for much more than is necessary to discharge his moiety of the debts and Legacies abovementioned. And praying that he may be empowered in his

Legislative  
Records of the  
Council,  
xxviii., 184.

House Jour-  
nal, pp. 116, 165,  
166. Province  
Laws, ii., 151,  
chap. 10.

capacity of Guardian to the said Thadeus to make sale of the same for the purpose aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner be and he accordingly is in his said capacity fully impowered to make sale of the said minors full share in the Real Estate aforesaid, excepting the Widows thirds, for the most the same will fetch, he observing the rules and directions of the Law for the sale of Real Estates by Executors & Administrators and first giving sufficient security to the Judge of Probate for the County of Middlesex that he will apply the proceeds of said sale to the payment of such parts of the debts and Legacies of the said Minors deceased Father as the said Minor is held to pay, and the overplus, if any be, he will duly account for to the said Minors benefit. [*Passed April 19.*]

## CHAPTER 119.

### RESOLVE ALLOWING £20. 15. 4 TO ALEX<sup>r</sup> KIRKWOOD.

Legislative  
Records of the  
Council,  
xxviii., 185.  
Mass.  
Archives, civ.,  
570.

Mass.  
Archives, civ.,  
569. House  
Journal,  
pp. 134, 161.  
Province  
Laws, iv., 576,  
chap. 6.

A PETITION of Alexander Kirkwood of Scarborough in the County of Cumberland Setting forth, That in the year 1762 he was possessed of a Province Note in favour of Zachariah Hicks for the Sum of Six hundred and twenty three pounds payable the 20 day of June 1763 and that an Order afterwards passed for the Notes of that form to be brought in to be redeemed in October 1762 on penalty of losing the Interest That by reason of the Petitioners remote situation he was unacquainted with the said Order, whereby he is like to lose the Interest of his money from Oct<sup>r</sup> 1762 to June 20 1763 unless aided by the Government. And praying relief.

[Read and]

*Resolved*, that there be paid out of the publick Treasury to the Petitioner Alex<sup>r</sup> Kirkwood the Sum of Twenty pounds fifteen shillings & four pence being the Interest of the within mention'd Note from 20 Oct<sup>r</sup> to 20<sup>th</sup> June it being heretofore Stopt by order of Court. [*Passed April 19.*]

## CHAPTER 120.

### RESOLVE IMPOWERING JAS. FOSTER AND RUTH BIRD, ADM<sup>rs</sup>, TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xxviii., 186.

House Jour-  
nal, pp. 152, 173,  
174.

A PETITION of John Bird of Needham Setting forth, That he bargained with Jonathan Bird of Dorchester for ten acres of Woodland in said Needham, and also for all his the said Jonathan's right and interest in Land in the Town of Hardwick and paid him in full for the same, but that the said Jonathan died before he had an opportunity to execute Deeds of the Premises to the Petitioner. And praying that the Administrators of the Estate of the said deceased may be impowered to convey to him the Lands aforesaid.

In the House of Representatives.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that James Foster and Ruth Bird Administrators of the Estate of

Jonathan Bird late of Dorchester deceased be and hereby are impowered in their said capacity, if they see cause, to make and execute a good Deed or Deeds of conveyance of the Lands mentioned in said Petition, and said Deed or Deeds shall be as good and valid in Law to all intents and purposes whatsoever to the said Petitioner his Heirs and assignus as the said Jonathan could have made and executed in his life time; it appearing to this House that the Petitioner has paid the deceased for said Lands.

In Council, Read and Concurred. [*Passed April 20.*]

## CHAPTER 121.

RESOLVE IMPOWERING ELIZ<sup>A</sup> BARTLET, ADM<sup>S</sup> TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Bartlet Administratrix of the Estate of her late Husband Samuel Bartlet late of Plimouth Esq<sup>r</sup> deceased Setting forth, That the said Samuel died siezed of three quarter parts of a certain Grist Mill, and one quarter part of a Saw Mill known by the name of Rockey Meadow Saw Mill, and also the one half part of two Lots of Land containing by estimation forty five acres each, lying in the South purchase and all lying in Middleborough That the said Mills are gone greatly to decay, and the said two Lots of Land are remote from her. That the said deceased left four Children, all under age, for whose advantage it would be, if the said Estate was sold and the money secured for them. And praying that she may be impowered to make sale of the Premises; the proceeds of such sale to be disposed of according to Law.

Legislative  
Records of the  
Council,  
xxviii., 187.

House Jour-  
nal, pp. 38, 170,  
171, 172. Prov-  
ince Laws, ii.,  
151, chap. 10.

[Read and]

*Resolved* that the foregoing Petition be so far granted as that the Petitioner be and she is hereby impowered to make sale of all the Real Estate in her Petition mentioned for the most the same will fetch and make and execute a good and sufficient Deed or Deeds thereof, she observing the rules and directions of the Law respecting the sale of Real Estates by Executors and Administrators and giving sufficient security to the Judge of Probate for the County of Plimouth that the proceeds of said Sale shall be applied as followeth viz<sup>t</sup> that the Interest of one third part thereof shall be reserved to the use of the Widow of the said deceased during her natural life in lieu of her Dower in said Estate and after her decease to be paid to the Heirs at Law of the said deceased or their legal Representatives, and that the other two thirds thereof shall be put to Interest for the benefit of the Children of the said deceased to be divided to and among them agreeable to Law. [*Passed April 20.*]

## CHAPTER 122.

RESOLVE IMPOWERING ROBT BARTLETT, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 187.

House Jour-  
nal, pp. 147, 172.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Robert Bartlett of Salem in the County of Essex Administrator of the Estate of his Father Humphrey Bartlett late of Marblehead in said County Shoreman deceased Setting forth, That the debts due from the said deceaseds Estate amount to £28.7/ and that there is no Personal Estate in his hands to discharge the same That the said deceased died siezed of a Dwelling House in said Marblehead, with a piece of Land thereto adjoining, part of which House has been assigned to the Widow as her Dower That the said Estate will not admit of a part's being sold, nor of a Division among the six Heirs without spoiling the whole. And praying that he may be impowered to make sale of the Premises, including the reversion of the Widows Dower; he to be accountable.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and he hereby is impowered in his said capacity to make sale of the Real Estate mentioned in this Petition (together with the reversion of the Chamber that is set to said Widow as part of her right of dower) for the most the same will fetch, and to make and execute a good Deed of the same to the purchaser; he observing the rules of the Law for the sale of Real Estates by Executors & Administrators, and that the Monies arising by said sale shall be so much of it applied for the discharge of said deceaseds just debts as shall be necessary and the remaining part with the Interest to be paid to the lawful Heirs of said deceased or their legal Representatives when they shall severally arrive at lawful age. [*Passed April 20.*]

## CHAPTER 123.

RESOLVE IMPOWERING ELIJAH BOND, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 188.

House Jour-  
nal, pp. 133, 172.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Elijah Bond Administrator of the Estate of John Kemball late of Watertown deceased Setting forth That the said deceased died siezed of about 120 Acres, mostly Woodland, lying in Weston and sundry other pieces of Land lying remote from the Homestead. And praying that he may be impowered to make sale of so much thereof as will raise the Sum of four hundred pounds to enable him to discharge the said deceaseds debts; he to be accountable. The Personal Estate in the Petitioners hands being reserved for the Mother in Law of the deceased agreeable to the Will of her Husband.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and hereby is impowered to make sale of so much of the Real Estate mentioned in said Petition as will raise the Sum of four hundred pounds, it being sold for the most the same will fetch, the Petitioner observing the directions of the Law respecting the sale of Real Estates by Executors and Administrators, and

to make and execute a good Deed or Deeds in Law to the purchaser or purchasers thereof; provided he give Bond to the Judge of Probate for the County of Middlesex that the Money arising by said sale be applied to the payment of the debts mentioned in said Petition, and the remainder, if any there be, be paid to the legal Heirs of the aforesaid Kemball. [*Passed April 20.*]

## CHAPTER 124.

RESOLVE IMPOWERING REV<sup>d</sup> JOHN TREADWELL AND OTHERS TO SELL REAL ESTATE AND BUY CERTAIN OTHER LAND WITH THE PROCEEDS.

A PETITION of John Treadwell Minister of the first Parish in Lynn, and of Ebenezer Burrill, John Mansfield, Edward Johnson & Benjamin Newhall a Committee of said Parish Setting forth, That a certain Lot of Meadow called Stones Meadow was given to the use of the Ministry of the said Parish successively, which Lot of Meadow as it lies at the distance of six or seven miles from the center of said Parish can be of but little advantage to said Ministry. And praying that they may have liberty to sell said Lot of Meadow, and to apply the money thereby arising to the purchasing of as much Salt Marsh as said Money shall be sufficient for; the said Salt Marsh to remain to the use of the Ministry aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Rev<sup>d</sup> John Treadwell the present Minister of the said Parish and the other Petitioners a Committee of the said Parish or the major part of said Committee be and they accordingly are hereby empowered to make sale of the piece of meadow Land in their Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds of the same to the purchaser or purchasers and their Heirs and Assigns forever, and that the Petitioners be and they accordingly are hereby empowered & directed to apply the proceeds of the said sale to the purchasing as much Salt Marsh as the same will purchase, which Salt Marsh so purchased shall be and remain hereafter to and for the use of the Ministry in the same manner as the aforesaid Meadow would have been; always provided that the said Committee shall be under the direction of and accountable to the first Parish in Lynn in the execution of their said trust. [*Passed April 20.*]

Legislative  
Records of the  
Council,  
xxviii., 189.

Mass.  
Archives, xiv.,  
574, 575. House  
Journal,  
pp. 153, 162, 176.

## CHAPTER 125.

RESOLVE IMPOWERING JACOB MOORE, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thankful Putnam Widow of Daniel Putnam late of Sudbury deceased, and of Relief Putnam a Minor and the only surviving Heir of the said deceased Setting forth That the said Daniel died siezed of about nine or ten acres of Land situate in said Sudbury with Buildings thereon standing, together with a lot of Meadow of about four acres lying at some distance That there is

Legislative  
Records of the  
Council,  
xxviii., 190.

House Jour-  
nal, pp. 137, 156,  
157, 166, 167, 176.  
Province



Laws, ii., 151,  
chap. 10.

now an opportunity to dispose of the Premises to advantage, and the said Minor being on the point of Marriage. And praying that Jacob Moore Administrator of the said deceaseds Estate and Guardian of the said Minor may be empowered to make sale of the Real Estate aforesaid; the proceeds thereof to be disposed of according to Law; he to be accountable.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the within named Jacob Moore administrator on said deceaseds Estate be and he hereby is empowered in said capacity to make sale of the Real Estate mentioned in this Petition for the most the same will fetch, and to make and execute a good Deed or Deeds in Law to the purchaser or purchasers, he observing the Rules given by Law for the sale of Real Estates by Executors & Administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that two third parts of the proceeds of such sale (so much only excepted as may at present be necessary to be expended for the Cloathing or support of said Minor) together with the Interest thereof be paid to the said Relief when she shall arrive at lawful age or at Marriage; and that the other third part of the said proceeds be put on Interest, such Interest to be annually paid to the said deceaseds Widow Thankful during her natural life; and that at her decease the principal Sum be delivered to the only Heir beforenamed, and that the said Guardian do render an account on Oath of his proceedings in the premises to the Judge of Probate for said County for the time being when thereunto lawfully required. [*Passed April 20.*]

## CHAPTER 126.

### RESOLVE IMPOWERING THE JUSTICES TO ADMIT AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council,  
xxviii., 192.

A PETITION of John Erving of Boston in the County of Suffolk Esq<sup>r</sup> Setting forth, That at an Inferior Court of Common pleas held at Boston within and for said County on the second Tuesday of July last, he recovered Judgment against Andrew Campbell of said Boston Trader for the Sum of Sixty one pounds, one shilling damages and Costs of Suit; from which Judgment the said Andrew Appealed to the then next Superior Court for the said County, but failed to prosecute the said Appeal That the Petitioners attorney thro' mistake omitted to enter a Complaint to the said Superior Court; by reason whereof he has lost the benefit of the aforesaid Judgment unless aided by this Court. And praying relief.

Read and

*Resolved* That the Justices of the Superior Court of Judicature &c now sitting at Boston in the County of Suffolk be and they are hereby empowered to admit the Complaint of the Petitioner against Andrew Campbell in the case mentioned in the Petition, and to affirm, if they see cause the Judgment of the Inferior Court of Common pleas and to award Execution thereon as they by Law might have done had the same Complaint been regularly entered at August Term.<sup>1</sup> [*Passed April 23.*]

<sup>1</sup> Not found in the House Journal.



## CHAPTER 127.

## RESOLVE WITH STAY OF EXECUTION IMPOWERING THE JUSTICES TO RECOMMIT A CAUSE TO REFEREES.

A PETITION of Richard King of Scarborough in the County of Cumberland Gent Setting forth That he together with one Royall Tyler of said Scarborough at a Superior Court held at Falmouth in said County on the fourth Tuesday of June 1768 entered into a Rule & did refer two Actions wherein the Petitioner was Original Plaintiff against the said Royall, and one wherein the said Royall was original Plaintiff against the Petitioner to the determination of Mess<sup>rs</sup> Joshua Moody, Samuel March and Daniel Moulton That the s<sup>d</sup> Referrees afterwards made Report that the Petitioner should recover against the said Royall Tyler the sum of £59.8.9 debt, and Costs of Court and of Reference in the abovesaid Actions; which Report was recommended for them to Report what part of said Sum they found on each Action; whereupon the said Referrees reported £26.5.7 in Action N<sup>o</sup> 26, but by mistake omitted to report the £33.3.2 remainder of the abovesaid Sum in the other Action N<sup>o</sup> 7 and reported therein cost only; whereby Judgment in the last Action has been entered and Execution issued for £33.3.2 less than the said Referrees found due and designed to have reported in favour of the Petitioner And praying that the Justices of the Superior Court may be empowered to recommit the said Cause at any Term wheresoever held in the Province for amendment.

Read and it appearing that a Copy of this Petition had been left at the dwelling House of Royall Tyler the adverse party in consequence of the Order of this Court on the 28 of March last and no Answer being given thereto

*Resolved* that the prayer of this Petition be granted, and that the Justices of his Majesty's Superior Court of Judicature be and they are hereby authorized and empowered at their next Term in the County of York or at any other term wheresoever held within the Province before the said Term in the County of York to recommit the said cause to the Referrees mentioned in the said Petition, that if they or any two of them see cause they may alter their said Report, which the said Court may, if they see fit receive; whereupon the former Judgment shall be void, and the Court shall render Judgment and award Execution according to the Report so altered, and that the Execution upon the Judgment already obtained be staid in the mean time. [*Passed April 23.*]

Legislative  
Records of the  
Council,  
xxviii., 109,  
192.

House Jour-  
nal, pp. 112, 169,  
177, 182.

## CHAPTER 128.

RESOLVE IMPOWERING DAVID FICK, ADM<sup>r</sup>, TO SELL REAL ESTATE.

A PETITION of David Fick Administrator of the Estate of John Saylor late of Dunstable in the Province of Newhampshire deceased Setting forth, That part of the Real Estate of the said deceased viz<sup>t</sup> eleven Acres and an half of Land lies in Dunstable near Lovewell's Pond within this Province: And as the Estate of the said deceased is Insolvent, Praying that he may be empowered to make sale of the

Legislative  
Records of the  
Council,  
xxviii., 193.

House Jour-  
nal, pp. 38, 144,  
169. Province  
Laws, ii., 151,  
chap. 10.

said eleven Acres and an half of Land to enable him to make a final settlement of said Estate.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and he is hereby fully authorized and empowered in his capacity as Administrator to make sale of the Lands mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds of the same to the purchaser or purchasers thereof, he observing the rules of the Law respecting the sale of Real Estates by Executors and Administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that the Money arising by said sale be applied to the purposes mentioned in the Petition. [*Passed April 23.*]

## CHAPTER 129.

RESOLVE IMPOWERING EZEK<sup>L</sup> BRIGHAM, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 194.

House Jour-  
nal, pp. 130, 169,  
170. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ezekiel Brigham Administrator of the Estate of Thomas Brigham late of Grafton in the County of Worcester deceased Intestate Setting forth That the said deceaseds Personal Estate was apprized at £50.9.9 and that the debts due from the said deceaseds Estate amount to £98.13.10. That the said deceased died siezed of a Tract of Land in Grafton containing about 119 Acres and a small piece of Land in Westborough the whole apprized at £261.10/ That the Estate of the said deceased is incumbered with an annuity payable to Sarah Brigham agreeable to the Will of the Intestates Father Aaron Brigham That if only so much of the Real Estate aforesaid should be sold as would be sufficient for payment of the debts and the annuity aforesaid it would be a great damage to the remainder. And praying that he may be empowered to make sale of the whole thereof; he to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner Ezekiel Brigham be and he accordingly is hereby fully empowered in his said capacity to make sale of all the Real Estate mentioned in his said Petition, which did belong to the said Thomas Brigham deceased, for the most the same will fetch, he observing the rules and directions of the Law for the sale of Real Estates by Executors and Administrators, and first compounding with the said Sarah Brigham for her annuity by and under the advice and direction of the Judge of Probate for the County of Worcester, and giving sufficient security to the said Judge of Probate that he will apply the proceeds of the said sale for the payment of the annuity aforesaid, and also for the payment of the just debts of the said Thomas Brigham deceased which the Personal Estate was not sufficient to pay, and that the residue thereof shall be divided to and among the Heirs of the said deceased agreeable to Law. [*Passed April 23.*]

## CHAPTER 130.

## RESOLVE ALLOWING £800 TO THE JUSTICES.

*Resolved* that the Sum of Eight hundred pounds be granted and allowed out of the Public Treasury to the honorable the Justices of the Superior Court of Judicature, Court of Assize and General Goal delivery for the faithful discharge of their trust for one year ending the first day of January last. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 197.  
House Jour-  
nal, pp. 66, 171.

## CHAPTER 131.

## RESOLVE ALLOWING £50 TO THE SECRETARY.

*Resolved* that the Sum of Fifty pounds be granted and allowed to be paid out of the Public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province for his Services for one year ending the sixth day of December last. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 197.  
House Jour-  
nal, p. 174.

## CHAPTER 132.

## RESOLVE ALLOWING £90 ADDITIONAL TO THE SECRETARY.

*Resolved* that the Sum of Ninety pounds be granted and allowed to be paid out of the Public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province in consideration of his extraordinary Services to the sixth day of Decem<sup>r</sup> last. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 197.  
House Jour-  
nal, p. 174.  
*Supra*, chap.  
131.

## CHAPTER 133.

## RESOLVE ALLOWING £267 TO THE TREASURER.

*Resolved* that the Sum of Two hundred and sixty seven pounds be granted and allowed to be paid out of the Public Treasury to the hon<sup>ble</sup> Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues in this Province, for one years Service ending the twenty third day of December last. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 197.  
House Jour-  
nal, p. 174.

## CHAPTER 134.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

In the House of Representatives

*Resolved* That there be granted and allowed to be paid out of the Public Treasury the Sum of four shillings per diem to the hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> Speaker of this House for every day of his

Legislative  
Records of the  
Council,  
xxviii., 198.  
House Jour-  
nal, p. 174.

attendance in the General Court from the opening of the Session on the 31 day of may 1769 over and above his pay as a Member of this House.

In Council, Read and Concurred. [*Passed April 24.*]

## CHAPTER 135.

RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council,  
xxviii., 198.

House Jour-  
nal, p. 174.

In the House of Representatives,

*Resolved* that there be granted and allowed to be paid out of the Public Treasury the Sum of Ninety pounds to M<sup>r</sup> Samuel Adams for his Services as Clerk of this House, during the several Sessions of the General Court in the current year.

In Council, Read and Concurred. [*Passed April 24.*]

## CHAPTER 136.

RESOLVE ALLOWING £100 TO THE DOORKEEPER.

Legislative  
Records of the  
Council,  
xxviii., 198.

House Jour-  
nal, p. 175.

*Resolved* that there be allowed and paid out of the Public Treasury the Sum of One hundred pounds to M<sup>r</sup> William Baker for his Service as Doorkeeper to his Excellency the Governor for one year to be paid quarterly. [*Passed April 24.*]

## CHAPTER 137.

RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative  
Records of the  
Council,  
xxviii., 198.

House Jour-  
nal, p. 171.

*Resolved* that the Sum of Two hundred pounds be granted and allowed to be paid out of the Public Treasury to the Rev<sup>d</sup> M<sup>r</sup> Samuel Locke the President of Harvard College over and above the Rents of Massachusetts Hall, for his Services for one year, to be paid quarterly from the 21 of March last. [*Passed April 24.*]

## CHAPTER 138.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative  
Records of the  
Council,  
xxviii., 198.

House Jour-  
nal, pp. 174, 175.

*Resolved* that there be granted and allowed to be paid out of the Public Treasury to John Winthrop Esq<sup>r</sup> Hollisian Professor of Mathematicks and Natural Philosophy at Harvard College in Cambridge, the Sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great & important trust reposed in him for one year ending the thirteenth day of January. [*Passed April 24.*]

## CHAPTER 139.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARV<sup>D</sup> COLLEGE.

*Resolved* that there be granted & allowed to be paid out of the Public Treasury to M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the Sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him for one year ending the twenty fifth day of January. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 199.  
House Jour-  
nal, p. 174.

## CHAPTER 140.

RESOLVE ALLOWING £40 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

*Resolved* that there be granted & allowed to be paid out of the Public Treasury the Sum of forty pounds to M<sup>r</sup> Stephen Sewall Professor of the Hebrew and other oriental Languages at Harvard College as a Gratuity in consideration of his faithful discharge of that important trust the last year. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 199.  
House Jour-  
nal, p. 175.

## CHAPTER 141.

RESOLVE ALLOWING £50 TO THE LIEUTENANT OF CASTLE WILLIAM.

*Resolved* that there be granted & allowed to be paid out of the Public Treasury the Sum of Fifty pounds to John Phillips Esq<sup>r</sup> Lientenant of his Majesty's Garrison at Castle William in consideration of his faithful discharge of that trust for one year ending the sixth of January last. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 199.  
House Jour-  
nal, p. 175.

## CHAPTER 142.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Resolved* that there be paid out of the Public Treasury to Cap<sup>t</sup> Joseph Root the Sum of Two pounds & ten pence; to Joseph Whitcomb Esq<sup>r</sup> the Sum of Three pounds, twelve shillings; to Jedediah Foster Esq<sup>r</sup> the Sum of Three pounds, twelve shillings in full of their respective Accounts for their Service in viewing and apprizing Township N<sup>o</sup>. 7 by order of the House of Representatives June 17. 1768. [*Passed April 24.*]

Legislative  
Records of the  
Council,  
xxviii., 200.  
House Jour-  
nal, p. 62  
(1768); p. 183.  
*Ante*, p. 258,  
chap. 66.

## CHAPTER 143.

## VOTE CHOOSING HARRISON GRAY PROVINCE TREASURER.

Legislative  
Records of the  
Council,  
xxviii., 113.

House Jour-  
nal, pp. 112, 113,  
117, 118.

PURSUANT to the agreement of the two Houses they proceeded to the choice of Civil Officers for the present year, and first of a Treasurer & Receiver General of the Province, when Harrison Gray Esq<sup>r</sup> was chosen by a major vote of the Council and House of Representatives. [*Passed March 30; consented to April 25.*]

## CHAPTER 144.

## VOTE CHOOSING JAMES RUSSELL, ESQ., COMMISSIONER OF IMPOST.

Legislative  
Records of the  
Council,  
xxviii., 113.

House Jour-  
nal, p. 118.

PURSUANT to agreement of the two Houses they proceeded to the choice of Civil Officers for the present year when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major vote of the Council and House of Representatives. [*Passed March 30; consented to April 25.*]

## CHAPTER 145.

## VOTE CHOOSING MR. JOHN PREBLE AS TRUCKMASTER AT FORT POWNALL.

Legislative  
Records of the  
Council,  
xxviii., 113.

House Jour-  
nal, p. 118.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present year, when Mr. John Preble was chosen Truckmaster for Fort Pownall by a major vote of the Council and House of Representatives. [*Passed March 30; consented to April 25.*]

## CHAPTER 146.

## VOTE CHOOSING NOTARIES PUBLIC.

Legislative  
Records of the  
Council,  
xxviii., 114.

House Jour-  
nal, pp. 112, 113,  
117, 119.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present year, when the undermentioned persons were chosen Public notaries by a major vote of the Council and House of Representatives.

Suffolk	For the Port of Boston	.	.	.	.	{ Mr Dudson Kilcup
		.	.	.	.	{ Mr Henry Alline jun <sup>r</sup>
	{ Salem . . . . .	.	.	.	.	. John Nutting Esq <sup>r</sup>
	{ Ipswich . . . . .	.	.	.	.	. M <sup>r</sup> Samuel Sawyer
Essex	{ Marblehead . . . . .	.	.	.	.	. M <sup>r</sup> Thomas King
	{ Newbury . . . . .	.	.	.	.	. William Atkins Esq <sup>r</sup>
	{ Gloucester . . . . .	.	.	.	.	. Daniel Witham Esq <sup>r</sup>
Middlesex	Charlestown . . . . .	.	.	.	.	. M <sup>r</sup> Nathaniel Gorham
Plymouth	Plymouth . . . . .	.	.	.	.	. M <sup>r</sup> Ephraim Spooner
Barnstable	{ Barnstable . . . . .	.	.	.	.	. Solomon Otis Esq <sup>r</sup>
	{ Falmouth . . . . .	.	.	.	.	. M <sup>r</sup> Joseph Parker
Bristol	. . . . .	.	.	.	.	{ Jerathmeel Bowers Esq <sup>r</sup>
		.	.	.	.	{ Elisha Tobey Esq <sup>r</sup>
Dukes County	Edgartown . . . . .	.	.	.	.	. M <sup>r</sup> John Pease jun <sup>r</sup>
Nantucket	. . . . .	.	.	.	.	. M <sup>r</sup> Stephen Hussey



York	{	York . . . . .	Daniel Moulton Esq <sup>r</sup>
		Kittery . . . . .	Charles Chauncey
		Wells . . . . .	John Wheelwright Esq <sup>r</sup>
Cumberland		Falmouth . . . . .	M <sup>r</sup> Jonathan Webb
Lincoln		. . . . .	M <sup>r</sup> Thomas Moulton

[*Passed March 30 ; consented to April 25.*

CHAPTER 147.

RESOLVE STAYING PROCEEDINGS IN CONSEQUENCE OF A RESOLVE  
RESPECT<sup>o</sup> CAPE ELIZABETH.

WHERE as the Gen<sup>l</sup> Court in their present Sessions on the Petition of Capt Sam<sup>l</sup> Skillen and others Inhabitants of Cape Elizabeth Resolved on Said Petion that from the time the act of Incorporation of Cape Elizabeth into A District took place all the Inhabitents of Said District included within y<sup>e</sup> Lines of Said District ware & Still are held to Pay Parish Taxes there & to no other Place Since which the first parish have by Thomas Smith on their behalf Represented Sume Inconveincy that may attend the Carrying s<sup>d</sup> Resolve into Execution before the S<sup>d</sup> first Parish has an opportunity to be heard upon the Subject matter of the S<sup>d</sup> Petition Therefore

Legislative  
Records of the  
Council,  
xxviii., 169.  
Mass.  
Archives,  
cxviii., 437.  
House Jour-  
nal, pp. 106, 113,  
158, 159. Prov-  
ince Laws,  
iv., 873, note.  
*Ante*, p. 407,  
chap. 72.

*Resolved* that all Proceedings in Consequence of Said Resolve be Stay<sup>d</sup> as fully as if it had not been till the Second wednesday of the next Sitting of the Gen<sup>l</sup> Court at which Time the first Parish may be heard upon S<sup>d</sup> Petition of Cape Elizabeth if they See fit to shew Cause if any they have why the S<sup>d</sup> Resolve should not be Reversed.  
[*Passed April 16 ; consented to April 25.*

CHAPTER 148.

RESOLVE ALLOWING £100 TO ANDREW OLIVER, SECRETARY.

A PETITION of Andrew Oliver Esq<sup>r</sup> Secretary of the Province Set- ting forth That he hath in confidence of the encouragement formerly given him, employed a Person as his Deputy the year past and hath already advanced the Sum of forty pounds in part for his assistance in that capacity. And praying an allowance for the purpose aforesaid.

Legislative  
Records of the  
Council,  
xxviii., 204.  
House Jour-  
nal, pp. 181, 185.  
*Ante*, p. 391,  
chap. 43.

[Read and]

*Resolved* That the Sum of One hundred pounds be allowed and paid out of the Public Treasury to the hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> Secretary of this Province to enable him to pay for assistance in his Office for one year ending the sixth day of December last. [*Passed April 25.*

## CHAPTER 149.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £16 TO ROBERT BALLS.

Legislative  
Records of the  
Council,  
xxviii., 107.  
Mass.  
Archives,  
lxvi., 482.

Mass.  
Archives,  
lxvi., 481.  
House Jour-  
nal, pp. 109, 122.

A PETITION of Robert Balls Keeper of the Light House Praying an allowance for his last years Service which expired on the 19<sup>th</sup> day of Novem<sup>r</sup> last, being his 36<sup>th</sup> year; and also for the reimbursement of the sum of £16 which he expended for thirty Cords of fire Wood for the benefit of the Light.

[Read and]

*Resolved* That the sum of Sixty pounds be Allowed & paid Out of the publick Treasury to the petitioner Rob<sup>t</sup> Ball for his service as Keeper of the light House, for one Year ending the 19<sup>th</sup> of November Last Also the sum of sixteen pounds for Thirty Cord of Wood which He provided & expended for Use of the province, at the Light House aforesaid. [*Passed March 28; consented to April 26.*]

## CHAPTER 150.

RESOLVE GRANTING £133.6.8 TO THE TOWN OF SHERBORN FOR THE SETTLEMENT OF A MINISTER THERE IN PLACE OF REV. SAMUEL LOCK.

Legislative  
Records of the  
Council,  
xxviii., 119.  
Mass.  
Archives,  
lviii., 581.

Mass.  
Archives,  
lviii., 580.  
House Jour-  
nal, pp. 102, 126.

*Resolved* That the Sum of One hundred & thirty three pounds six shillings & Eight pence Lawfull Money be & hereby is granted to y<sup>e</sup> Scociety in Sherburn late under the pastoral Care of the Rev<sup>d</sup> M<sup>r</sup> Samuel Lock now President of Harvard Colledge, to Encourage & facilitate the Settlement of a minister there. The said sum to be allowed & paid out of the Public Treasury to the order of y<sup>e</sup> said scociety for y<sup>l</sup> Ends beforementioned, upon y<sup>e</sup> ordination of M<sup>r</sup> Lock's successor. [*Passed April 3; consented to April 26.*]

## CHAPTER 151.

VOTE GRANTING TO ICHABOD JONES AND OTHERS A TOWNSHIP LYING TO THE WESTWARD OF ST. CROIX, UPON CERTAIN CONDITIONS.

Legislative  
Records of the  
Council,  
xxvii., 54.  
Mass.  
Archives,  
cxviii., 446.

Legislative  
Records of the  
Council,  
xxvii., 353;  
xxviii., 126.  
House Jour-  
nal, pp. 126, 127.  
129, 130.

A PETITION of Ichabod Jones and others Praying for a Grant of a Tract of Land called Machias, which they with their Families took possession of in consequence of the Kings Proclamation, apprehending the same to have been Crown Lands; but which they now find falls within and belongs to this Province.

[Read and]

*Voted*, That the Petition of Ichabod Jones and Seventy nine others his Associates, be so far granted, as that there be, and hereby is granted unto him the said Ichabod Jones, and his Associates named in the annexed Petition, their Heirs and Assigns for ever, as Tenants in Common, One Township of Land, scituate, lying and being to the Westward of S<sup>t</sup> Croix about eight or ten Leagues, which Tract

of Land is now known by the name of Machias, and is bounded as follows, viz<sup>t</sup> begining at a dry Rock at a Place called the Eastern Bay, near the House of M<sup>r</sup> Samuel Holmes, and extending North ten Degrees West, ten miles, then West, ten Degrees South eight miles, then South ten Degrees East ten miles, then East ten Degrees north eight miles to the first mentioned Bounds.

That they return a Plan of the same (taken by a Surveyor and Chainmen on Oath) to this Court for further Confirmation, on or before the First Day of Janu<sup>y</sup> 1771. That they within six years after they shall obtain his majesty's Approbation of this Grant (unless prevented by War) settle the said Township with eighty good protestant Families, and build eighty Houses, none to be less than eighteen Feet square, and seven Feet Stud, and clear and cultivate five Acres of Land on each Share fit for Tillage or mowing; and that they build in said Township a suitable Meeting house for the publick Worship of God, and settle a learned Protestant minister, and make Provision for his comfortable and honorable Support. And that in said Township there be reserved and appropriated four whole Rights or Shares in the Division of the same (accounting to one eighty fourth Part a Share, for the following Purposes Viz<sup>t</sup> One for the first settled or ordained minister, his Heirs and Assigns for ever; one for the use of the ministry one to and for the use of Harvard College; and one for the use of a School for ever: And if any of the Grantees or Proprietors of said Township shall neglect within the Term of six Years as before mentioned, to do and perform according to the several Articles respecting the Settlement of his Right or Share as hereby enjoined, his whole Right or share shall be entirely forfeited, and enure to the Use of this Province; Provided nevertheless, the Grant of the above Lands is to be void and of none Effect, unless the Grantees do obtain his Majesty's Confirmation of the same in eighteen Months from this Time.

And be it further

*Ordered*, as a Condition of the Grant aforesaid, that each Grantee give Bond to the Treasurer of this Province for the Time being, and to his Successors in said office for the Sum of Fifty Pounds for the Use of this Province, for the faithful Performance of the Duties required, according to the Tenor of the Grant aforesaid: and that a Committee or Committees be appointed by this Court to take Bonds accordingly.

And further

*Ordered*, That the said Committee be empowered to admit others as Grantees in the Room of such Persons contain'd in the List aforesaid, who shall neglect to appear by themselves or others in their behalf to give Bonds at such Time as the Committee shall appoint.

And it is further

*Ordered*, That as this Township is remote from the Centre of the Province, and at a great Distance from his majesty's Surveyor of his Woods and Timber, that the said Petitioners take especial Care not to cut or destroy any of his majesty's Timber on or about said Township. [*Passed April 4; consented to April 26.*]

## CHAPTER 152.

## RESOLVE CONTINUING THE PENSION OF DANIEL DRUCE.

Legislative  
Records of the  
Council,  
xxviii., 127.  
Mass.  
Archives,  
lxxx., 663.

House Jour-  
nal, pp. 113, 132.  
*Ante*, p. 79,  
chap. 154.

A PETITION of Daniel Druce of Grafton Setting forth That the General Court was pleased to Grant him a Pension of Three pounds *p* Annum for the term of three years in consideration of a Lameness which he contracted in the Province Service in the late War That the time for which the said Pension was granted expired in February 1769; and as his Lameness still continues, Praying further Relief

[Read and]

*Resolved*, that the Petitioner's Pension be Continued for three Years from February 1769, and that there be paid out of the Publick Treasury to M<sup>r</sup> Ephraim Sherman for the use of the Petitioner three pounds *p* year. Annually during said Term. [*Passed April 6; consented to April 26.*]

## CHAPTER 153.

Legislative  
Records of the  
Council,  
xxviii., 129.  
Mass.  
Archives,  
cxviii., 409.

Mass.  
Archives,  
cxviii., 406;  
xiv., 545.  
Legislative  
Records of the  
Council,  
xxviii., 26, 110.  
House Jour-  
nal, pp. 35, 36,  
133.

## RESOLVE SETTING OFF CERTAIN INHABITANTS OF POCASSET AS A SEPARATE PARISH.

*Resolved* that the Petitioners, Inhabitants of said Pocasset<sup>1</sup> included within the following Bounds, Viz<sup>t</sup> Northerly by the Lands of William Tobey & Jonathan Tobey inclusively, Easterly to the Extent of the Petitioners Lands in the Woods, Southerly by Falmouth Line, & Westerly by Bozzards Bay, be and hereby are sett off as a separte and distinct Parish, and vested with all the Powers & privileges that other Parishes are by Law vested with according to the Bounds & limits aforement<sup>d</sup>. [*Passed April 6; consented to April 26.*]

## CHAPTER 154.

## RESOLVE GRANTING TO SAMUEL READ LICENSE TO KEEP AN INN.

Legislative  
Records of the  
Council,  
xxviii., 130.  
Mass.  
Archives, cxi.,  
562.

Mass.  
Archives, cxi.,  
561. House  
Journal,  
pp. 124, 131.

A PETITION of Samuel Read of Uxbridge Setting forth That he has been an Inholder in said Town more than thirty years That at last Augnst Court the time by Law appointed for granting Licenses he was necessarily absent and before he could return the Court was adjourned without day. And praying that two of his Majesty's Justices of the peace Quorum Unus may be impowered to grant him a License the remaining part of the year.

[Read and]

*Resolved* that the prayer of this Petition be granted & that two of his Majesty's Justices of the Peace Quorum Unus for the County of Worcester; be and hereby are impowered, (if they think proper) to grant Licence to the Petitioner to be an Innholder in Uxbridge in the House he hath lately improved for that purpose, the remaining part of this year he recognising according to Law (having Obtained the Approbation of the Selectmen of Uxbridge for that

<sup>1</sup> Part of town of Sandwich.—Legislative Records of the Council, xxviii., 26.

purpose) the Said Justices returning a Certificate to the Court of General Sessions of the Peace next to be holden in said County. [*Passed April 6 ; consented to April 26.*]

## CHAPTER 155.

RESOLVE IMPOWERING THE GUARDIANS OF THE NATICK INDIANS TO BUILD A HOUSE FOR ESTHER SOODUCK, INDIAN.

A PETITION of Esther Sooduck of Natick Indian Widow Setting forth That the Petitioner obtained liberty of the General Court in the year 1759 to sell her Right in 46 Acres of Land and some common Rights in said Natick and after discharging her debts the remainder of the proceeds of Sale was ordered to be put out to Interest by the Indians Guardians That part of said Lands are sold, and the debts being paid a surplusage remains in the hands of said Guardians of Eighty pounds lawful Money That the Petitioner is destitute of a House and the said Guardians being in doubt whether they have a right to advance the Money for that purpose; She therefore prays the directions of this Court.

Legislative  
Records of the  
Council,  
xxviii., 131.  
Mass.  
Archives,  
xxxiii., 508.

Mass.  
Archives,  
xxxiii., 507.  
House Jour-  
nal, pp. 120, 121,  
132. Province  
Laws, xvi., 241,  
chap. 76 note;  
415, chap. 132.

[Read and]

*Resolved* that the Guardians of the Natick Indians be and Herby are impowered and directed to build or purchase a small convenient Dwelling house for the Petitioner with So much of the Monies as are now in the s<sup>d</sup> Guardians hands as may be Necessary therfor the Residue of said Money Still to remain in s<sup>d</sup> Guardians Hands for the Benefit of the Petitioner. [*Passed April 6 ; consented to April 26.*]

## CHAPTER 156.

RESOLVE IMPOWERING AARON FELT, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Aaron Felt of Temple in the Province of New Hampshire Administrator of the Estate of his late Father Aaron Felt late of Lynn in the County of Essex deceased Setting forth, That the debts due from the Estate of the said deceased amount to more than the Inventory of the Personal Estate That the said deceased died siezed of a House & small Tract of Land situate in said Lynn: And praying that he may be impowered to sell the same; he to be accountable

Legislative  
Records of the  
Council,  
xxviii., 132.  
Mass.  
Archives, xix.,  
811.

Mass.  
Archives, xix.,  
810. House  
Journal,  
pp. 134, 135.  
Province  
Laws, li., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be Granted and the Petitioner be and he accordingly is hereby Impowered to Sell of all the Estate within mentioned for the most the Same will fetch (he observing the Rules and Directions of the Law for the sale of Real Estates by Executors and administrators) and to make and Execute a good & Sufficient Deed or Deeds thereof and Giving Sufficient Security to the Judge of Probate for the County of Essex that he will apply the proceeds of Said Sale for the payment of the Deasced<sup>s</sup> Debts Saving that the widow shall be allowed the use of



one third part of the proceeds thereof During her natural Life and after her Decease the Same to be Disposed off agreeable to Law.  
[*Passed April 6 ; consented to April 26.*]

## CHAPTER 157.

RESOLVE ALLOWING £20 TO REV. JOSEPH GREEN.

Legislative  
Records of the  
Council,  
xxviii., 138.  
Mass.  
Archives,  
xiv., 572.

House Jour-  
nal, pp. 72, 138.

*Resolved* [that]<sup>1</sup> the Sum of Twenty pounds be allowed & paid out of the public Treasury to the Rev<sup>d</sup> M<sup>r</sup> Joseph Green of Barnstable to be by him Applied to defrey the Charge of supporting the Gospel among the Inhabitants of Province Town the year past.  
[*Passed April 7 ; consented to April 26.*]

## CHAPTER 158.

RESOLVE GRANTING THE PETITION OF BENJAMIN MULLIKEN AND MOODY BRIDGES TO HOLD A CERTAIN TOWNSHIP ACCORDING TO THE ORIGINAL GRANT, NOTWITHSTANDING CERTAIN ACTION SINCE TAKEN BY THE GENERAL COURT.

Legislative  
Records of the  
Council,  
xxviii., 143.  
Mass.  
Archives,  
cxviii., 420.

Mass.  
Archives,  
cxviii., 414.  
House Jour-  
nal, pp. 133, 141,  
142. *Ante*,  
p. 47, chap. 92;  
p. 239, chap. 28.

ON THE PETITION of Benjamin Mulliken and Moody Bridges Agents for the Proprietors of a Township Granted to Benjamin Mulliken & others June 25<sup>th</sup> 1765, whereas the Petitioners made Application to the Great and General Court Dated the twenty Seventh Day of May Anno Domini 1767 praying that the Court would receive back a Part of Said Township and grant them an Equivalent in other Lands adjoining, but now finding Said Exchange inconvenient, pray that they may hold the Said Township according to the original Grant,

*Resolved* that the prayer of the Said Petition be granted and that the Said Proprietors, have and hold, and it is hereby granted to them that they have and hold Said Township according to the Extent described in the original Grant any Petition of Said Proprietors or Resolve of this Court thereon notwithstanding, and according to Said Proprietors Petition and the Intent thereof: And the Lands resolved on their Said Application to be given them for an Equivalent is hereby received back as Lands belonging to the Province the said proprietors fulfilling the Condition of the Original Grant.  
[*Passed April 10 ; consented to April 26.*]

## CHAPTER 159.

RESOLVE WITH NOTICE ON THE PETITION AND PAPERS OF EBENE<sup>r</sup> SMITH AND OTHERS IN REGARD TO THE AFFAIRS OF THE BAPTIST CHURCH IN ASHFIELD.

Legislative  
Records of the  
Council,  
xxviii., 149.  
Mass.  
Archives, xiv.,  
564.

A PETITION of Ebenezer Smith and others in behalf of the Baptist Church and Society in Ashfield Setting forth That there is a Tax of £11.18.7 laid on each Right in said Town chiefly for the support of a Minister, and building a Meeting House for a Society

<sup>1</sup> Inserted from Legislative Records of the Council, xxviii., 138.



of a different perswasion from the Petitioners. That their Lands are advertized to be sold, unless prevented by paying the said Tax, which they are unable to pay, and support the Gospel among themselves. And praying that they and their Lands may be exempted from said Tax, or any Tax that may hereafter be raised for the purposes aforesaid, and that the Monies which they have heretofore paid may be restored.

Mass. Archives, xiv., 556-564.  
House Journal, pp. 109, 127, 138, 145. Prov. ince Laws, iv., 1015, chap. 5; 1036-1038, notes. *Ante*, p. 333, chap. 2.

The House resumed the Consideration of the Petition &

*Resolved* that the petitioners notify the proprietors of the Lands in Ashfield of this Petition & also of the paper accompanying the same called an account of the Sufferings of the Church in Ashfield, by serving the Clerk of said Proprietors with a Copy of the said Petition, & paper that they may shew Cause on the second Wensday of the next May Session of the General Court why the Prayer should not be granted & that the sale of the pet<sup>rs</sup> Lands be stayd in the mean time. [*Passed April 10; consented to April 26.*]

## CHAPTER 160.

### ORDER ALLOWING ACCOUNT OF GUARD<sup>s</sup> OF THE DUDLEY INDIANS.

THE COMMITTEE appointed to consider the Accounts of the Guardians of the Indians in this Province, having considered the Accounts of the Guardians of the Dudley Indians, and find them right cast and well vouched, and that the said Guardians have received since their last Settlement, in March 1767, Twenty seven Pounds, and have paid out for the said Indians use and Benefit to Doctor's Bills, Nurses, Provisions &c Thirty eight Pounds 18/6½, so that the said Guardians are in Advance, the Sum of Eleven Pounds, 18/6½ which is submitted.

Legislative Records of the Council, xxviii., 153.  
Mass. Archives, xxxiii., 520.  
Mass. Archives, xxxiii., 518.  
House Journal, p. 141.  
*Ante*, p. 324, chap. 211.

HEN. GARDNER *pro* Order

Read & Accepted. [*Passed April 12; consented to April 26.*]

## CHAPTER 161.

### RESOLVE GIVING FURTHER TIME FOR OBTAINING HIS MAJESTY'S APPROVAL OF THE ACTS OF THE GRANTEES OF TOWNSHIP NO. 3, IN THE TERRITORY OF SAGADAHOCK.

A PETITION of Nathan Jones, Francis Shaw, & Robert Gould, in behalf of themselves, and other Grantees of a Township, N<sup>o</sup>. 3, in the Territory of Sagadahock, East of Union River Setting forth, that the time for which they were allowed to obtain his Majesty's Approbation of the Grant of said Township is now expired; and that they have not yet been able to obtain his Majesty's Approbation of the same: And praying that further time may be allowed for that purpose.

Legislative Records of the Council, xxviii., 157.  
Mass. Archives, cxviii., 421.  
Legislative Records of the Council, xxvi., 240. *Ante*, p. 173, chap. 120.

[Read and]

*Resolved*, That the further time of Eighteen Months be allow'd the Petitioners for the purposes mention'd in the above Petition. [*Passed April 13; consented to April 26.*]

<sup>1</sup> Not found in House Journal.

## CHAPTER 162.

## RESOLVE ADJOURNING COURTS IN BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xxviii., 157.  
Mass.  
Archives,  
xliv., 689.

House Jour-  
nal, pp. 150, 152.  
*Ante*, p. 282,  
chap. 113.

WHEREAS the Court of General Sessions of the Peace, and Inferior Court of Common Pleas for the County of Bristol, According to the Time Appointed by Law should be holden at Taunton, in said County, on the first tuesday of May next: And whereas by Reason of y<sup>e</sup> Present Circumstances of the County it will be inconvenient for Persons concerned in the business thereof to Attend at s<sup>d</sup> Time.

Therefore

*Resolved* that the s<sup>d</sup> Court of General Sessions of the Peace and Inferior Court of Common Pleas, be and are hereby Adjourned unto the second Tuesday of June Next, then to be holden at s<sup>d</sup> Taunton, and that all Pleas, Processes, Writs Actions, Suits, Complaints, Recognisances, and all Other Matters and things returnable, and having, or that should have day, in said Courts, if y<sup>e</sup> same had been held on the s<sup>d</sup> first Tuesday of May shall be returnable and have day in s<sup>d</sup> Courts on the S<sup>d</sup> second Tuesday of June, and shall Abide and Continue unto that time, and shall then be proceeded on, heard, tried and Determined, to all intents and Purposes as Effectually as if said Courts had been held on the s<sup>d</sup> first tuesday of May. [*Passed April 13 ; consented to April 26.*]

## CHAPTER 163.

## RESOLVE CONSTRUING AN ORDER EXEMPTING CERTAIN PERSONS OF NEWBURY FROM PAYMENT OF TAXES IN THE FIRST AND THIRD PARISHES OF THAT TOWN.

Legislative  
Records of the  
Council,  
xxviii., 158.  
Mass.  
Archives, xiv.,  
573.

Mass.  
Archives, xiv.,  
565. Legisla-  
tive Records of  
the Council,  
xxviii., 155.  
House Jour-  
nal, pp. 153, 154.  
Province  
Laws, v., 40,  
chap. 13; xiv.,  
687, chap. 140.  
*Ante*, p. 387,  
chap. 27.

WHEREAS in the Year 1752 On the Petition of Charles Pierce Esqr and Others of the then Town of Newbury it was ordered by the Generall Court that the petitioners with Daniel Peirce Moses Noyes & Josiah Lunt living In the first and third Parrishes in said Town their Polls & Estates be Discharged from paying any further Parrish charges In said Parrishes so long as they with their families Support preaching among themselves, and whereas Sundry controversies and Disputes have arisen and may arise whether the Heirs or Occupiers living on said Estates Are by said Order of the Generall Court intituled to the same priviledges with their Predessors Provided they support preaching Amonge themselves

*Resolved* that for the future it is to be understood that the Children & Occupiers living on the Estates that were Exempted by said order of 1752 and their families & Estates are hereby intierly freed from paying taxes to the first and what was originally the third parrish aforesaid Provided they Support preaching amonge themselves. [*Passed April 13 ; consented to April 26.*]

## CHAPTER 164.

## RESOLVE REMITTING THE PROVINCE TAX OF £98. 7. 9 TO THE TOWN OF CHATHAM.

A PETITION of Joseph Doane, Agent for the Town of Chatham Setting forth That since the last Valuation, a great number of the then Inhabitants of the said Town have removed to Nova Scotia and other parts. That the said Town hath been at the Expence of Nine hundred & One Pounds, seven shillings, for the Relief of poor Persons and others, who were visited with the small Pox, in said Town from the first of Novem<sup>r</sup> 1765, to the first of August 1766 And praying Relief

Legislative  
Records of the  
Council, xxviii., 163.  
Mass.  
Archives, cxviii., 424.

Mass.  
Archives, cxviii., 422.  
House Jour.  
nal, pp. 115, 155.  
Province  
Laws, v., 12,  
chap. 1.

[Read and]

*Resolved* that the prayer of the within Petition be so far granted, as that the Town of Chatham be remitted the Sum of ninty Eight pounds Seven Shillings and nine pence being their Province Tax laid on Said Town for the year 1769; In full consideration of the reasons mentioned in Said Petition, and that the Province Treasurer is hereby Directed to Conform himself Accordingly. [*Passed April 13; consented to April 26.*]

## CHAPTER 165.

## RESOLVE ALLOWING £9. 15 TO EUNICE SPYWOOD, INDIAN.

A PETITION of Eunice Spywood of Natick Indian Widow, Praying an allowance for Boarding and supporting one Sarah Wampsquan an Indian Widow in an advanced age and very poor (and, who has been supported by the Province for some years past) agreeable to an account annexed to said Petition; and also a Petition of the Rev<sup>d</sup> M<sup>r</sup> Stephen Badger of said natick, setting forth, the extreme poverty of the said Eunice Spywood and requesting that the prayer of her Petition may be granted.

Legislative  
Records of the  
Council, xxviii., 170.  
Mass.  
Archives, xxxiii., 517.

Mass.  
Archives, xxxiii., 509,  
509<sup>a</sup>, 513, 515.  
Legislative  
Records of the  
Council, xxvi.,  
488. House  
Journal,  
pp. 110, 111, 151,  
159. Province  
Laws, xvii.,  
272, chap. 111.

In the House of Representatives.

[Read and]

*Resolved* that there be allowed, and paid out of the Public Treasury, to the Rev<sup>d</sup> M<sup>r</sup> Stephen Badger, for the use of Eunice Spywood the sum of nine pounds fifteen Shillings for boarding and taking care of Sarah Wampsquam an Aged Indian Woman, thirty nine weeks at 5/ ~~p~~ week, being from the 13<sup>th</sup> Day of July last; to the 12 Day of April Instant it not appearing to this House, that She is an Inhabitant of any particular Town or District in this Province.

In Council, Read & Concurred. [*Passed April 16; consented to April 26.*]

## CHAPTER 166.

Legislative  
Records of the  
Council,  
xxviii., 197.  
Mass.  
Archives,  
lxxx., 686.  
House Jour-  
nal, p. 181.

## RESOLVE GRANTING £150 TO THE COMMISSARY-GENERAL.

*Resolved* that there be granted & paid out of the Public Treasury to the Honourable Thomas Hubbard Esq<sup>r</sup> Commissary General, the Sum of One hundred & fifty pounds in full for his past services & y<sup>e</sup> faithfull Discharge of the Trust reposed in him. [*Passed April 24; consented to April 26.*]

## CHAPTER 167.

## RESOLVE ALLOWING £6 TO THE CHAPLAIN OF THE TWO HOUSES.

Legislative  
Records of the  
Council,  
xxviii., 198.  
Mass.  
Archives,  
xiv., 577.  
House Jour-  
nal, p. 175.

In the House of Representatives.

*Resolved* that there be granted and allowd to be paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Nathaniel Appleton the Sum of Six pounds for his Services in officiating as Chaplain to this House and to his Majestys Council during the present Session.

In Council, Read & Concurred. [*Passed April 24; consented to April 26.*]

## CHAPTER 168.

## RESOLVE GRANTING £40 TO THE CHAPLAIN OF CASTLE WILLIAM.

Legislative  
Records of the  
Council,  
xxviii., 199.  
Mass.  
Archives, xiv.,  
578.  
House Jour-  
nal, p. 175.

*Resolved*, That there be granted and paid out of the publick Treasury the Sum of Forty Pounds. to M<sup>r</sup> Stephen Hall who officiated as Chaplain at Castle William, in Consideration of his faithful Discharge of his Trust for one Year ending the 25 of January last. [*Passed April 24; consented to April 26.*]

## CHAPTER 169.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO DISCHARGE JOHN COTTON FROM HIS BOND ON CERTAIN CONDITIONS.

Legislative  
Records of the  
Council,  
xxviii., 200.  
Mass.  
Archives,  
cxx., 675.

A PETITION of John Cotton of Boston, Praying further relief with regard to a purchase he made in the year 1764 of the Excise on Tea, Coffee and China Ware for the County of Suffolk.

[*Read and*]

*Resolved* on the Petition of M<sup>r</sup> John Cotton, That the Prayer thereof be so far granted, Upon the Pet<sup>r</sup>s paying to the Province Treasurer the Sum of four hundred and fifty Pounds on or before the tenth of June next ensuing, he the said John Cotton be and is fully discharg<sup>d</sup> of the Bond he gave to the Province Treasurer in the year 1764 with regard to a purchase he made in said year of the Excise on Tea Coffee &c for the County of Suffolk and of any Sum that might be thereby demanded of him or Surety by virtue thereof

Mass.  
Archives,  
cxx., 673.  
House Jour-  
nal, pp. 36, 55,  
63, 79, 136, 137,  
138, 168, 184.  
Province  
Laws, xvii.,  
575, chap. 145.

and upon his so doing the Province Treasurer for the Time being is directed to deliver up or discharge him from Said Bond or any Judgment, that has been recovered thereon in any Court of Law whatsoever. [*Passed April 24 ; consented to April 26.*]

## CHAPTER 170.

RESOLVE IMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR WORCESTER COUNTY TO APPOINT A JURY TO ESTIMATE LAND DAMAGES IN FAVOR OF BELA LINCOLN.

A PETITION of Bela Lincoln of Hingham in the County of Suffolk Setting forth, That at the Court of General Sessions of the peace held at Worcester for the County of Worcester on the third Tuesday of August 1768 a Committee was appointed to lay out a County Road from the House of Cap<sup>t</sup> Tays in Westborough through the North side of Grafton to the Southeasterly part of Worcester; which was accordingly done, and about one mile in length laid through the Petitioners Farm in said Grafton, which Committee awarded five dollars only as damages, and made return thereof and by the said Court was accepted. That the Road aforesaid is laid out in such a manner as greatly to endamage the Petitioners Farm as he must be necessitated to make and maintain a Fence of two miles thereon, which before was greatly secured by the help of a Pond and River. And inasmuch as the Petitioner was not informed of this proceeding until after the time by Law allowed to make application for a Jury to estimate the damages sustained was elapsed: Praying relief.

Read and

*Resolved* that the prayer of this Petition be So Far Granted as that the Court of General Sessions of the Peace Next to be holden in and for [the] <sup>1</sup> County of Worcester be and Hereby are Impowered upon application being made to them by the Petitioner to appoint a Jury to Estimate The Damages by him Sustained by the Road being laid Thr<sup>o</sup> his land: the time by Law for Such application being Elapsed notwithstanding. [*Passed April 25 ; consented to April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 205.  
Mass.  
Archives,  
cxxi., 482.

Mass.  
Archives,  
cxxi., 481.  
House Jour-  
nal, pp. 134, 158,  
168, 172, 173, 185.

## CHAPTER 171.

ORDER ALLOWING £133 ADDITIONAL TO THE TREASURER.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province acknowledging with gratitude the Grant already made him for his common Services for one year ending in Decem<sup>r</sup> 1769: And praying a further allowance for his extraordinary Services the same time.

Read &

*Orderd* that there be allowd & paid out of the publick Treasury to the Hon. Harrison Gray Esq<sup>r</sup> the Sum of One hundred and Thirty Three Pounds in full Consideration of his extraordinary Services as Treasurer and Receiver General of this Province. [*Passed April 25 ; consented to April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 205.  
Mass.  
Archives, civ.,  
576.

Mass.  
Archives, civ.,  
575. House  
Journal,  
pp. 181, 186.  
*Ante*, p. 441,  
chap. 133.

<sup>1</sup> Inserted from the Legislative Records of the Council, xxviii., 205.



## CHAPTER 172.

RESOLVE IMPOWERING JAMES KIRKWOOD, GUARDIAN, TO SELL LANDS  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 206.

House Jour-  
nal, pp. 41, 144,  
162, 190. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of James Kirkwood Guardian to Susanna Prince, A Minor aged about nine years, & the only Child of Caleb Prince, late of Boston deceased; setting forth That the said Minor is interested, one seventh part, in a small piece of Land, in said Boston, being the Estate of her late Grandfather Joseph Prince, which was laid desolate by the great Fire, in the Year 1760 That the other Heirs have sold their parts, and the said Minor's Interest can be of no possible Advantage to her, as it now lays, she having nothing to support herself; and praying that he may be empowered to sell the same, he to be accountable

[Read and]

*Resolved* that the Prayer of this Petition be granted, and that the Petitioner be and he is hereby fully authorized & empowered, in his Capacity as Guardian, to make sale of the Minor's Interest in the land within mentioned for the most the same will fetch, and to make & execute, a good Deed of the same to the purchaser thereof, he observing the directions of the Laws relating to the sale of Real Estates, by Executors and Administrators, and giving sufficient Security to the Judge of Probate for the County of Suffolk, that the Money arising by said sale, with the Interest thereof be paid to the said Minor, when she shall arrive at full age, or at the time of Marriage. [*Passed April 26.*<sup>1</sup>

## CHAPTER 173.

## VOTE CHOOSING EDWARD SHEAFFE, ESQ., COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xxviii., 208.  
Mass.  
Archives,  
lxxx., 665.

House Jour-  
nal, pp. 186, 187,  
189.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year when Edward Sheaffe Esq<sup>r</sup> was chosen the Officer for purchasing Provisions &c for the several Forts and Garrisons by a major part of the votes of the Council and House of Representatives. [*Passed April 26.*

## CHAPTER 174.

## RESOLVE IMPOWERING HENRY YOUNG BROWN TO SELL STRONG DRINK.

Legislative  
Records of the  
Council,  
xxviii., 210.

House Jour-  
nal, pp. 120, 131.

A PETITION of Henry Young Brown of a place called Pigwacket, in the County of York Setting forth, that the said place is not incorporated, by reason whereof, it is not in the power of the Court of Sessions to grant the Petitioner a license to sell spirituous Liquors there. And as the said Pigwacket is at a great distance from any licensed person, praying that he may be allowed to retail spirituous Liquors in the said place

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is April 25.



[Read and]

*Resolved* that the Petitioner Henry Young Brown of Pigwacket in the County of York, be and hereby is allowed to retail spirituous spirituous<sup>1</sup> Liquors at Pigwacket aforesaid, he recognizing before two Justices of the peace, Quorum Unus, within the County of York to observe such Rules and Orders, as the Law directs in such Cases; the Recognizance to be lodged with the Clerk of the Court of General Sessions of the the<sup>1</sup> peace, in the County of York. [*Passed April 26.*]

## CHAPTER 175.

RESOLVE GRANTING 11,000 ACRES OF LAND EAST OF SACO RIVER TO CAP<sup>t</sup> HENRY YOUNG BROWN, UPON CERTAIN TERMS.

*Resolved* that there be Granted to Capt Henry Young Brown eleven Thousands acres of Land to be Laid out in the unappropriated Land within this Province to the Eastward of Sauco River, and adjoining to a Grant of eight thousands five hundred and forty four Acres Grantd to the Said Cap<sup>t</sup> Brown in the Year 1766, to extend On said Sauco River including the Grant aforesaid Not exceeding Seven Miles and so to extend back from Said River and on the back of the Grant aforesaid so farr as to compleat the eleven thousands acres aforesaid and That the aforesaid Cap Brown Return a plann, of this Last Grant Taken by a Surveyor & Chainmen under Oath in Twelve months to this Court for Confirmation And that the said Henry Young Brown Give security for the settling the Said Lands Now Granted and for the proforming the Same Conditions required in the first Grant or sale of a Township to him the said Brown in the Year 1764 which Grant of eleven thousand acres aforesaid is Considered by this Court in full Consideration of all the demands that the Said Henry Young Brown has against this province for the Lose of Lands, occationed by the Disputed lines between this province and the province of new hampshire and that the said Brown give the Govern<sup>t</sup> a Quit Claim for all the Lands Included in the Township Sold him by this Governmint in y<sup>e</sup> Year 1764, that are between, Warren, And Bryants Lines excepecting Twenty Two hundred Acres already Sold to Sundry persons, and also one hundred acres Taken Out of his Own Farme and this Last Grant be also Considered in full consideration of all costs & Charges the said Brown has already been at or may be put too by Reason of the disputed Lines aforesaid and that the said Brown give this Govern<sup>t</sup> a Discharge in full for the same Also

*Resolved* that the Treasurer of the Province be directed to give up to Cap<sup>t</sup> Henry Young Brown his Bond for Two hundred pounds Dated in 1764 being the purchas Consideration of the Town Ship aforesaid, and in Lien thereof The said Brown do give a New bond to the Treasurer aforesaid for the Use of the province for Two hundred pounds, with sufficient Sureties to bare date the fifth day of May Next payable In one Year with Lawful Inter<sup>a</sup> which Bond when paid Shall be in full Consideration for all the Grants aforesaid. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 211.

Mass.  
Archives,  
cxviii., 438.

Legislative  
Records of the  
Council,  
xxviii., 100.  
House Jour-  
nal, pp. 27, 38,  
39, 40, 45, 61, 66,  
67, 107, 134, 135,  
158, 161, 183, 185,  
188, 189. *Ante*,  
p. 392, chap. 46.

<sup>1</sup> Sic.

## CHAPTER 176.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £39.1 TO JOHN THOMAS.

Legislative  
Records of the  
Council,  
xxviii., 213.  
Mass.  
Archives,  
lxvi., 480.

Mass.  
Archives,  
lxvi., 477–480.  
House Jour-  
nal, pp. 109, 189,  
190. *Ante*,  
p. 349, chap. 36.

A PETITION of John Thomas Setting forth that he has been employed by a Committee of this Court, to take the Charge of, and attend the light House on the Gurnet at the Entrance of the Harbour of Plymouth, and has performed that Service one year, ending the 14<sup>th</sup> day of Novem<sup>r</sup> last. And praying an Allowance therefor, and also an Allowance for Wood and Coal, expended for the Benefit of the light

[Read and]

*Resolve'd* that there be granted & paid Out of the publick Treasury unto John Thomas Esq the sum of sixty pounds Lawfull money in full Consideration of his Service as Keeper of the light House on the Gurnett. for An Year ending the 14<sup>th</sup> of November Last. Also the sum of thirty Nine pounds One Shill<sup>s</sup><sup>1</sup> for fire Wood & Coal, expended at Said Light House Twenty Cords of Said Wood being purchas'd the 9<sup>th</sup> of Oct<sup>r</sup> may Serve for the Most of the present Year agreeable to the Annex'd Acc<sup>t</sup>. [*Passed April 26.*]

## CHAPTER 177.

RESOLVE IMPOWERING NORTON QUINCY, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 216.  
House Jour-  
nal, pp. 130, 189.

A PETITION of Norton Quincy Guardian of Joseph Crossby, a Minor, Son of Joseph Crossby, late of Braintree in the County of Suffolk Esq<sup>r</sup> dec<sup>d</sup> Setting forth that the said Joseph, in his life time, intended to have given his said Son a liberal Education, and accordingly sent him to College, where he has now resided above a year That the said deceased by his last Will & Testament, devised to his said Son Joseph certain Real Estate therein described but gave him no personal Estate whatsoever. That the Income of the Real Estate, devised to the said Joseph, is insufficient to defrey the Expences of his Board & Education at College yearly: And praying that he may be empowered to make sale of the said Real Estate, and improve the proceeds of such sale, in the best manner he can for defreying the Expences of the said Minor's Education

[Read and]

*Resolved* that the Prayer of this Petition be granted, and that the Petitioner be, & he hereby is fully authorized and empowered, in his Capacity as Guardian, to make sale of all the Real Estate of the within named Infant, for the most the same will fetch and to make & execute, a good Deed or Deeds of the same, to the Purchaser, or Purchasers thereof, he observing the Rules of the Law, relating to the sale of Real Estates, by Executors, & Administrators, and giving sufficient Security to the Judge of Probate for the County of Suffolk, that the Money arising by said sale, be applied for the giving the said Infant a liberal Education, and the Overplus, if any be, be paid with the Interest thereof to the said Infant, when he shall arrive at lawful age. [*Passed April 26.*]

<sup>1</sup> Sic.

## CHAPTER 178.

## RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Resolved*, that the Sum of Five Pounds, seventeen shillings, be paid out of the public Treasury, in full discharge of the annexed Acco<sup>t</sup> to the persons following, Viz<sup>t</sup> to the hon<sup>ble</sup> William Brattle Esq £1.18/ To Joseph Gerrish Esq £1.13/ to Sam<sup>l</sup> Phillips Esq £1 to Joseph Frye Esq £1.6/ being in the whole Five Pounds seventeen shillings And that the said Sum be laid on the Towns of Ipswich, Middleton, Reading, Boxford & Danvers, in the next Tax Act, in proportion as the Province Tax is laid. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 217.

Legislative  
Records of the  
Council,  
xxvii., 322, 356,  
362. House  
Journal, pp. 78,  
79, 191.

## CHAPTER 179.

## ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £136,052. 3. 8.

THE COMMITTEE appointed to repair to the Treasurers, and take an Account of the Government Securities, and see them burnt, & consumed to Ashes; have attended that Service, and have recieved of M<sup>r</sup> Treasurer Gray, Government Securities, payable in June 1765, One hundred, & Eighty eight Pounds, the Interest paid thereon, Thirteen Pounds, seventeen shillings, & one penny, making One hundred twenty one pounds, seventeen shillings and one penny Also Government Securities payable in June 1766, Fifty Pounds, the Interest paid thereon Four Pounds, six shillings & eight pence, making Fifty four Pounds six shillings & eight pence. Also Government Securities, payable in June 1767, Seven hundred sixty one Pounds, the Interest paid thereon, thirty eight Pounds, four shillings & eleven pence, making seven hundred Ninety nine Pounds four shillings & eleven pence. Also Government Securities, payable in June 1768, Thirty six hundred & one Pounds, the Interest paid thereon, Two hundred & eleven Pounds, five shillings & six pence, making Thirty eight hundred & twelve Pounds five shillings & six pence. Also Government Securities payable in June 1769, One hundred twenty four Thousand nine hundred & Forty eight Pounds, the Interest paid thereon Six Thousand, three hundred, & sixteen Pounds, nine shillings & six pence, making One hundred Thirty one Thousand, two hundred & Sixty four Pounds, nine shillings and six pence All which Securities amount to (with the Interest included) One hundred Thirty six thousand, and fifty two Pounds, three shillings and eight pence; which we have seen burnt and consumed to Ashes.

Legislative  
Records of the  
Council,  
xxviii., 218.  
Mass.  
Archives, civ.,  
565.

Mass.  
Archives, civ.,  
564, 566. House  
Journal,  
pp. 154, 155, 192.  
*Ante*, p. 378,  
chap. 3.

Treasurer's Office }  
Jan<sup>y</sup> 6<sup>th</sup> 1770 }

THO<sup>s</sup> HUBBARD p<sup>r</sup> Order

The within Report having been Read & accepted &

*Order'd* that the Treasurer be & he is hereby Discharged of y<sup>e</sup> S<sup>d</sup> Sum of one hundred thirty Six thousand & fifty Two pounds three Shillings & Eight pence accordingly. [*Passed April 26.*]

<sup>1</sup> See "An Account of the Committee appointed by the General Court to view Ipswich River." — House Journal, p. 78.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1770-71.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1770-71.

HIS EXCELLENCY THOMAS HUTCHINSON,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

THOMAS FLUCKER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

SAMUEL DANFORTH  
ISAAC ROYALL  
JOHN ERVING  
WILLIAM BRATTLE  
JAMES BOWDOIN  
THOMAS HUBBARD  
HARRISON GRAY  
JAMES RUSSELL  
ROYALL TYLER

} ESQRS.

JAMES PITTS  
SAMUEL DEXTER  
BENJAMIN GREENLEAF  
THOMAS SANDERS, Jr.,  
JOSEPH GERRISH  
JOHN HANCOCK<sup>2</sup>  
JOSHUA HENSHAW  
ARTEMAS WARD  
STEPHEN HALL

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth ;*

JAMES OTIS  
WILLIAM SEVER

} ESQRS.

WALTER SPOONER  
JERATHMEEL BOWERS<sup>2</sup> } ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

NATHANIEL SPARHAWK, JEREMIAH POWELL & JOHN BRADBURY, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;*

JAMES GOWEN, Esq.

<sup>1</sup> See Legislative Records of the Council, xxviii., 225-232.

<sup>2</sup> Rejected by the Governor. See Legislative Records of the Council, xxviii., 232.

*For the Province, at large:—*

GEORGE LEONARD, JR., & JAMES HUMPHREY, ESQR.

# REPRESENTATIVES OR DEPUTIES.

*May 30, 1770 to April 26, 1771.*

MR. THOMAS CUSHING, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Hon. James Bowdoin, <sup>1</sup> Esq., Hon. Thomas Cushing, Esq., Mr. Samuel Adams, John Hancock, Esq.
<i>Roxbury</i> , . . .	Mr. William Heath.
<i>Dorchester</i> , . .	Mr. Samuel Howe.
<i>Milton</i> , . . .	Mr. Benjamin Wadsworth.
<i>Braintree</i> , . .	Ebenezer Thayer, Jr., Esq.
<i>Weymouth</i> , . .	James Humphrey, Esq.
<i>Hingham &amp; Cohasset</i> , }	Mr. Joshua Hersey.
<i>Dedham</i> , . . .	Nathaniel Sumner, Esq.
<i>Medfield</i> , . . .	Mr. Moses Bulling.
<i>Wrentham</i> , . .	Mr. Jabez Fisher.
<i>Brookline</i> , . .	Capt. Benjamin White.
<i>Needham</i> , . . .	Capt. Eleazer Kingsbery.
<i>Stoughton &amp; Stoughton-ham</i> , }	Mr. Hezekiah Gay.
<i>Medway</i> , . . .	Capt. Jonathan Adams.
<i>Walpole</i> , . . .	Joshua Clap, Esq.

## COUNTY OF ESSEX — *Concluded.*

<i>Rowley</i> , . . .	Humphrey Hobson, Esq.
<i>Salisbury</i> , . .	Caleb Cushing Esq.
<i>Haverhill</i> , . .	Mr. Samuel Bacheller.
<i>Glocester</i> , . .	Thomas Saunders, Jr., <sup>3</sup> Esq.
<i>Topsfield</i> , . .	Capt. Samuel Smith.
<i>Bozford</i> , . . .	Aaron Wood, Esq.
<i>Almsbury</i> , . . .	Capt. Jonathan Barnard.
<i>Bradford</i> , . . .	Capt. Daniel Thurston.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Hon. William Brattle, Esq., Mr. Thomas Gardner.
<i>Charlestown</i> , .	Edward Sheaffe, Esq.
<i>Watertown</i> , . .	Mr. John Remmington.
<i>Woburn</i> , . . .	Mr. Oliver Richardson.
<i>Concord</i> , . . .	Capt. James Barrett.
<i>Newton</i> , . . .	Capt. Abraham Fuller.
<i>Reading</i> , . . .	Samuel Bancroft, Esq.
<i>Marlborough</i> , .	Mr. Samuel Witt.
<i>Billerica</i> , . . .	William Stickney, Esq.
<i>Frammingham</i> , .	Joseph Buckminster, Esq.
<i>Lexington</i> , . .	William Reed, Esq.
<i>Chelmsford</i> , . .	Mr. Simeon Spaulding.
<i>Sudbury</i> , . . .	John Noyes, Esq.
<i>Malden</i> , . . .	Capt. Ebenezer Harn- den.
<i>Weston</i> , . . .	Mr. Abraham Bigelow.
<i>Medford</i> , . . .	Stephen Hall, <sup>4</sup> Esq.
<i>Hopkinton</i> , . .	Capt. Joseph Mellen.
<i>Waltham</i> , . . .	Capt. Jonas Dix.
<i>Stow</i> , . . .	Henry Gardner, Esq.
<i>Groton</i> , . . .	} James Prescott, Esq.
<i>Shirley and Pepperrell</i> , }	

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	Capt. Richard Darbey, Jr., Mr. John Pickering, Jr.
<i>Danvers</i> , . . .	Dr. Samuel Holten.
<i>Ipswich</i> , . . .	Capt. Michael Farley.
<i>Newbury</i> , . . .	Joseph Gerrish, Esq.
<i>Newburyport</i> , .	Benjamin Greenleaf, <sup>2</sup> Esq.
<i>Marblehead</i> , .	Richard Reed, Esq., John Gallison, Esq.
<i>Lynn</i> , . . .	Mr. Ebenezer Burrill.
<i>Andover</i> , . . .	Samuel Phillips, Esq.
<i>Beverly</i> , . . .	Capt. Henry Herrick.

<sup>1</sup> John Adams, Esq., chosen Representative of Boston, in the place of James Bowdoin, Esq., who was called to the Council. — House Journal, p. 47.

<sup>2</sup> House Journal, p. 57, reads, "Jonathan Greenleaf."

<sup>3</sup> Nathaniel Allen, Esq., chosen Representative of Gloucester, in the place of Thomas Sanders, Jr., who was called to the Council. — House Journal, p. 43.

<sup>4</sup> House Journal, p. 25, reads, "Benjamin Hall."

COUNTY OF HAMPSHIRE.

<i>Springfield &amp; Wilbraham,</i>	{	Hon. John Worthington, Esq., Major Benjamin Day.
<i>Northampton &amp; Southampton,</i>	{	Joseph Hawley, Esq.
<i>Hadley, South Hadley, Amherst and Granby,</i>	{	Mr. Elisha Porter.
<i>Hatfield,</i>		Mr. John Dickinson.
<i>Westfield,</i>		Mr. John Ingersol.
<i>Deerfield, Greenfield, Shelburne, Conway,</i>	{	Mr. David Field.
<i>Sunderland and Montague,</i>	{	Mr. William Billing.
<i>Brimfield, South Brimfield &amp; Monson,</i>	{	Mr. Timothy Danielson.

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>		James Warren, Esq.
<i>Scituate,</i>		Mr. Gideon Vinal.
<i>Duxbury,</i>		Capt. John Wadsworth.
<i>Marshfield,</i>		Capt. Anthony Thomas.
<i>Bridgewater,</i>		Capt. Edward Mitchell.
<i>Middleborough,</i>		Capt. Ebenezer Sprout.
<i>Rochester,</i>		Mr. Samuel Sprague.
<i>Pembroke,</i>		Josiah Keene, Esq.
<i>Kingston,</i>		Capt. Robert Bradford.
<i>Abington,</i>		Capt. Woodbridge Brown.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>		Hon. James Otis, <sup>1</sup> Esq.
<i>Sandwich,</i>		Mr. Stephen Nye.
<i>Yarmouth,</i>		David Thacher, Esq.
<i>Eastham and Welfleet,</i>	{	Elisha Doane, Esq.
<i>Harwich,</i>		Mr. Benjamin Freeman.
<i>Falmouth,</i>		Capt. Joseph Robinson.
<i>Chatham,</i>		Mr. Joseph Doane.

COUNTY OF BRISTOL.

<i>Taunton,</i>		Daniel Leonard, Esq., George Godfrey, Esq.
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COUNTY OF BRISTOL — *Concluded.*

<i>Rehoboth,</i>		Capt. Joseph Barney.
<i>Swanзей with Shawanet,</i>	{	Jerathmeel Bowers, Esq.
<i>Dartmouth,</i>		Mr. Walter Spooner. <sup>2</sup>
<i>Norton &amp; Mansfield,</i>	{	George Leonard, <sup>3</sup> Jr., Esq.
<i>Attleborough,</i>		Mr. John Daggett.
<i>Dighton,</i>		Col. Elnathan Walker.
<i>Freetown,</i>		Mr. Thomas Durfee.

COUNTY OF YORK.

<i>York,</i>		Thomas Bragdon, Esq.
<i>Kittery,</i>		James Gowen, Esq.
<i>Wells,</i>		John Wheelwright, Esq.
<i>Berwick,</i>		Benjamin Chadbourn, Esq.
<i>Biddeford &amp; Pepperrick-boro',</i>	{	Jeremiah Hill, Esq.

DUKES COUNTY.

<i>Edgartown,</i>		Mr. Thomas Cooke.
<i>Chilmark,</i>		Jonathan Allen, Esq.
<i>Tisbury,</i>		James Athearn, Esq.

IN THE COUNTY OF NANTUCKET.

<i>Sherburne,</i>		Mr. Stephen Hussey.
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COUNTY OF WORCESTER.

<i>Worcester,</i>		Mr. Joshua Bigelow.
<i>Lancaster,</i>		Capt. Asa Whitcomb.
<i>Mendon,</i>		Mr. Edward Rawson.
<i>Brookfield,</i>		Jedediah Foster, Esq.
<i>Oxford &amp; Charlton,</i>	{	Edward Davis, Esq.
<i>Sutton,</i>		Capt. Henry King.
<i>Leicester, Spencer and Paxton,</i>	{	Mr. Thomas Denny.
<i>Rutland, Rutland District, Oakham &amp; Hubbardston,</i>	{	John Murray, Esq.
<i>Westborough,</i>	{	Capt. Stephen Maynard.
<i>Northborough,</i>		
<i>Shrewsbury,</i>		Artemas Ward, Esq.

<sup>1</sup> Daniel Davis, Esq., chosen Representative of Barnstable, in the place of Hon. James Otis, who was called to the Council. — House Journal, p. 82.

<sup>2</sup> Benjamin Akin, Esq., chosen Representative of Dartmouth, in the place of Walter Spooner, who was called to the Council. — House Journal, p. 61.

<sup>3</sup> Mr. George Wheaton, chosen Representative of Norton. — House Journal, p. 43.

COUNTY OF WORCESTER—*Concluded.*

<i>Lunenburg,</i>	}	Edward Hartwell, Esq.
<i>Fitchburgh,</i>		
<i>Uxbridge,</i> . . .		Capt. Ezekiel Wood.
<i>Harvard,</i> . . .		Israel Taylor, Esq.
<i>Bolton,</i> . . .		John Whitcomb, Esq.
<i>Hardwick,</i> . . .		Hon. Timothy Ruggles, Esq.,
		Daniel Leonard, <sup>1</sup> Esq.
<i>Sturbridge,</i> . . .		Moses Marcy, Esq.
<i>Grafton,</i> . . .		Mr. Ephraim Sherman.
<i>Petersham,</i> . . .		Mr. Ruggles Spooner.

COUNTY OF CUMBERLAND.

<i>Falmouth and</i>	}	Jedediah Preble, Esq.
<i>Cape Elizabeth,</i>		
<i>Brunswick,</i> . . .		Mr. Samuel Stanwood.

COUNTY OF BERKSHIRE.

<i>Sheffield, Great</i>	}	David Ingersol, Jr., Esq.
<i>Barrington and</i>		
<i>Egremont,</i>		
<i>Stockbridge,</i> . . .		Timothy Woodbridge, Esq.
<i>Pittsfield,</i> . . .		Capt. Charles Goodrich.
<i>Williamston,</i> . . .		Capt. Isaac Searl.

<sup>1</sup> Daniel Leonard reads Daniel Oliver in *History of Worcester County*, vol. 2, p. 1138, and *State Library copy, Legislative Records of the Council*, xxviii., 229.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF MAY, A.D. 1770.<sup>1</sup>

## CHAPTER 1.

ORDER FURNISHING COPIES OF THE PROVINCE LAWS TO THE DISTRICT  
OF MANSFIELD AND THE DISTRICT OF COHASSET.

Legislative  
Records of the  
Council,  
xxviii., 310.

*Ordered* That the District of Mansfield and the District of Cohasset be furnished with a Printed Copy of the Laws of this Province.  
[*Passed October 11.*]

House Journal, p. 93.

## CHAPTER 2.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH  
COUNTY.

In the House of Representatives.

Whereas it appears to this House upon examination of the account of the Treasurer of the County of Plymouth, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1769 were granted for such purposes and appropriations as the Law impowered the said Court to grant and allow

Legislative  
Records of the  
Council,  
xxviii., 314.

House Journal, pp. 92, 97.

Therefore

*Resolved* That the said account be allowed.

In Council, Read and Concurred. [*Passed October 17.*]

## CHAPTER 3.

RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR WORCESTER  
COUNTY TO EXTEND THE TIME FOR THE SETTLEMENT OF AN  
ESTATE.

A PETITION of Joseph Blake of Rutland in behalf of Abraham Jacob Lansinegh of Albany in the Province of New York Setting forth That the Estate of Isaac Thomas late of Hardwick deceased being represented Insolvent, Commissioners were appointed to receive and examine the Claims on said Estate That the said Isaac Thomas in his life time gave his note of hand for the Sum of ninety Pounds with Interest to the said Lansinegh and died without paying any part thereof That the said Lansinegh living at such a dis-

Legislative  
Records of the  
Council,  
xxviii., 316.

House Journal, pp. 98, 99.  
*Ante*, p. 117,  
chap. 6; p. 174,  
chap. 124;  
p. 303, chap.  
170.

<sup>1</sup> There was no business done in the 1st and 2d sessions.

tance had not notice of said appointment till after the time was expired for receiving Claims on said Estate, by reason whereof he must loose his whole demand without the interposition of this Court: And as there is some part of the said Thomas's Estate yet remaining undivided among the Creditors, Praying the interposition of this Court accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Judge of Probate &c for the County of Worcester is hereby impowered and directed to lengthen out the time for receiving the Claims to the said Isaac Thomas's Estate for the space of two months, and the Petitioner is hereby allowed to enter his Claim and shall be intitled to such priviledges in any future dividend of said Estate as he ought by Law to receive. [*Passed October 18.*]

## CHAPTER 4.

Legislative  
Records of the  
Council,  
xxviii., 317.

ORDER FURNISHING A COPY OF THE PROVINCE LAWS TO THE TOWN  
OF WORTHINGTON.

House Jour-  
nal, p. 102.

*Ordered* That the Town of Worthington be furnished with a set  
of the Province Laws. [*Passed October 19.*]

## CHAPTER 5.

Legislative  
Records of the  
Council,  
xxviii., 317.  
Mass.  
Archives,  
lxvi., 484.

VOTE APPOINTING A COMMITTEE TO TAKE CARE OF THE LIGHT HOUSE  
ON THE GURNET.

In the House of Representatives

House Jour-  
nal, p. 105.  
Province  
Laws, iv., 1005,  
note. *Ante*,  
p. 350, chap. 37.

*Voted* That Coll Warren, & Cap<sup>t</sup> Anthony Thomas with such as  
the Hon<sup>b</sup>l Board shall Join be A Committee to take Care of the  
Light House on the Gurnet near Plymouth Harbour. & Effectually  
repair. & secure the same.

In Council Read and Concurred and W<sup>m</sup> Sever Esq<sup>r</sup> is joined in  
the Affair. [*Passed October 20.*]

## CHAPTER 6.

Legislative  
Records of the  
Council,  
xxviii., 319.

RESOLVE FURNISHING A COPY OF THE PROVINCE LAWS TO THE DIS-  
TRICT OF SHELBURNE.

House Jour-  
nal, p. 109.

*Resolved* That the District of Shelburne be furnished with a set  
of the Province Laws. [*Passed October 23.*]



## CHAPTER 7.

## RESOLVE GRANTING £74. 1/ TO JOSHUA NICKERSON.

A PETITION of Joshua Nickerson of Harwich in the County of Barnstable Praying an allowance for Boarding and supporting Barnabas Hall and Marcy his Wife two ancient and very indigent people Inhabitants of Falmouth in Nova Scotia and who were brought from thence in a Vessel and landed by Persons unknown near the Petitioners Dwelling House in said Harwich in June 1765.

[Read and]

*Resolved*, that the prayer of the petitioner be so far granted as that he be allowed, & he is accordingly Impowered to receive out of the Province Treasury the sum of Eight Shillings p<sup>r</sup> week for one Hundred & four weeks being the time he kept the two aged persons together: & four shillings p<sup>r</sup> Week for thirty Nine Weeks being the time he kept the Widow after the Death of the Husband. & the additional sum of two pounds Nine shillings & Eight pence for the Necessary supplies & funeral Charges of the said Deceas'd, more than what the petitioner receiv'd of his effects; amounting in the whole to seventy four pounds one shilling, & that the sum so receiv'd be in full satisfaction of all the petitioner's Demands against the province. [*Passed\* October 23.*]

Legislative  
Records of the  
Council,  
xxviii., 319.  
Mass.  
Archives, cv.,  
642.

Mass.  
Archives, cv.,  
639-641. Exec-  
utive Records  
of the Council,  
xvi., 510.  
House Jour-  
nal, pp. 105, 109,  
110.

## CHAPTER 8.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

WHEREAS it appears upon the examination of the County Treasurer's account for the County of Barnstable that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1769 were granted for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

*Resolved* that the said account be allowed. [*Passed October 23.*]

Legislative  
Records of the  
Council,  
xxviii., 320.  
House Jour-  
nal, pp. 92, 108.

## CHAPTER 9.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF CUMBERLAND COUNTY.

WHEREAS it appears upon the examination of the County Treasurers account for the County of Cumberland that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1769 were granted for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

*Resolved* that the said account be allowed. [*Passed October 23.*]

Legislative  
Records of the  
Council,  
xxviii., 320.  
House Jour-  
nal, pp. 92, 108.

## CHAPTER 10.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative  
Records of the  
Council,  
xxviii., 322.

House Jour-  
nal, pp. 92, 99.

WHEREAS it appears upon the examination of the County Treasurers account for the County of Suffolk that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1769 were granted for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

*Resolved* That the said account be allowed. [*Passed October 24.*]

## CHAPTER 11.

## RESOLVE IMPOWERING MARY WARDWELL, ADMINISTRATRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 323.

House Jour-  
nal, pp. 104, 108,  
109. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Wardwell late Widow of Joseph Foster late of Andover in the County of Essex deceased, and administratrix of the said deceaseds Estate Setting forth That the Fences on the said deceaseds Real Estate being so much out of Repair that it is judged the Income thereof will in future not exceed the expence of keeping the said Fences in Repair, there being very little Wood left on the place That the said deceased left two Children, (daughters) one of whom is lately married and stands in need of her portion, and the Petitioner being herself in indigent circumstances And praying that she may be impowered to make Sale of all the Real Estate of the said deceased; she to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and accordingly is hereby impowered to make sale of the Estate in her Petition mentioned for the most the same will fetch, and make and execute a sufficient Deed or deeds thereof; she observing the rules and directions of the Law relative to the Sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Essex that the proceeds of said sale shall be applied as follows viz' one third part thereof be put to Interest for the use of the said Mary the Widow, she to receive the said Interest annually for her support during her natural life, and the residue after the debts are paid (if any debts there be) shall be distributed to the Heirs of the said Joseph agreeable to Law, and the other third after the said Widows decease shall be distributed to said Heirs or their legal Representatives in like manner as they could have inherited if the said Land had not been sold. [*Passed October 24.*]

## CHAPTER 12.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION  
OF ABEL SAWYER, JUN<sup>r</sup>, TO REVIEW AN ACTION.

A PETITION of Abel Sawyer jun<sup>r</sup> of Newbury in the County of Essex Setting forth That on the tenth day of May 1768 he gave his Note of hand for the Sum of Six pounds to one Richard Wait of Malden in the County of Middlesex, and on the 28 day of May 1769 settled and took a Receipt from the said Richard in full of all demands to that time, he then pretending the said Note was lost and so could not deliver up the same; notwithstanding which in the absence of the Petitioner and unknown to him until after his return, the said Richard brought an action against the Petitioner on the Note aforesaid in May last and recovered Judgment against him by default for the said Sum of Six pounds and Costs. And praying that he may be impowered to Review the said action at the next Inferior Court of Common pleas for the County of Middlesex the default aforesaid notwithstanding, and that Execution may be staid in the mean time.

Legislative  
Records of the  
Council,  
xxviii., 326.  
House Jour-  
nal, pp. 104, 105.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner notify Richard Wait the adverse party by leaving with him an attested Copy of the Petition that he shew cause if any he hath on the second Wednesday of the next Session of the General Court why the prayer thereof should not be granted, and the Execution in the Petition mentioned be staid in the meantime; provided the Petitioner gives security to the sheriff of the County of Suffolk to pay and satisfy such Sum or Sums as may be finally recovered by the said Richard against the Petitioner. [*Passed October 25.*]

## CHAPTER 13.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX  
COUNTY.

WHEREAS it appears upon the examination of the County Treasurer's account for the County of Essex that all the monies granted and allowed by the General Sessions of the peace for said County for the year 1769 were granted for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

Legislative  
Records of the  
Council,  
xxviii., 327.  
House Jour-  
nal, pp. 92, 103.

*Resolved* that the said account be allowed. [*Passed October 26.*]

## CHAPTER 14.

RESOLVE GRANTING TO JOSEPH FRYE LICENSE TO SELL STRONG  
DRINK.

A PETITION of Joseph Frye Esq<sup>r</sup> Setting forth That under the patronage of this Government he hath settled upwards of fifty Families in a new Township (at present called Fryeburg) in the

Legislative  
Records of the  
Council,  
xxviii., 330.

Mass.  
Archives,  
cxviii., 465.

Mass.  
Archives,  
cxviii., 464.  
House Jour-  
nal, pp. 102, 107,  
122, 123. Prov-  
ince Laws,  
xvii., 361, chap.  
308.

County of York and is about removing thither with his Family That the said Township not being Incorporated there are no Selectmen to recommend any Person in it to the Court of General Sessions of the peace for a License to sell Spirituous Liquors and as the Petitioner purposes to open a Store in the said Township, Praying that he may be Impowered to Retail Spirituous Liquors there.

[Read and]

*Resolved* that the prayer of the foregoing petition be So far Granted as that the Court of Gen<sup>l</sup> Sessions for the peace for the County of York are hereby Impowered to Grant the petitioner Licenc to Retail Spirituous Liquours In Said Township of Frybource (at their next Term) & until the time for Granting Licences in said County by Law shall commence. [*Passed October 30.*]

## CHAPTER 15.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING MAY 30, 1770, AND DISCHARGING HIM OF £150,800. 4. 7.

Legislative  
Records of the  
Council,  
xxviii., 331.  
Mass.  
Archives,  
cxxxv., 396.

Mass.  
Archives,  
cxxxv., 395.  
Legislative  
Records of the  
Council,  
xxviii., 235.  
House Jour-  
nal, pp. 98, 118,  
119.

THE COMMITTEE to whom was referred the examination of the accounts of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues within the Province of the Massachusetts Bay in New England beginning 31 May 1769 and ending 30 May 1770 having attended that service, upon examining the same, find them right cast and well vouched, by which it appears, that the said accomptant charges himself with the Sum of Fifty one thousand two hundred thirty two pounds, two shillings and eight pence, being so much due for Taxes, as represented by his last account. Also with the Sum of Thirty eight thousand, nine hundred, seventy four pounds six shillings and one penny being the balance due by last account, also with the Sum of One hundred thousand pounds borrowed of sundry persons by virtue of an Act of the General Court made and passed at their Session in May 1768 for which Sum [he] gave notes payable in June 1770, also with the sum of thirty four thousand, one hundred thirty six pounds, seven shillings and eleven pence, also with the Sum of eight hundred, eighty three pounds, seventeen shillings received for a Bill of Exchange in part for £1,200 Sterl<sup>s</sup> drawn on Jasper Mauduit which was accepted only for £662.-17.9 Sterling Exchange at 33¼ p C<sup>t</sup> also with the sum of Six hundred seventy four pounds thirteen shillings and one penny received of sundry persons for Lands sold, also with the Sum of One hundred ninety five pounds six shillings and three pence received of the Farmers of Excise upon Tea, also with the Sum of Twenty two hundred and seven pounds, three shillings and five pence received of the Collectors of Excise upon Spirituous Liquors, also with the Sum of Two hundred forty one pounds, nineteen shillings received of the Justices and Sheriffs for Fines, also with the Sum of five hundred ninety two pounds, one shilling & seven pence received of the late Commissary Hubbard being the profits arising by the Indian Trade, also with the Sum of Six hundred and one pounds, nine shillings and seven pence received of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> Commissioner of Impost Duties: all which Sums amount to Two hundred twenty nine thousand, seven hundred thirty nine pounds six shillings and seven pence. The Committee further find that the

said accomptant discharges himself by sundry payments and disbursements by order of the Governor and Council amounting to fourteen thousand, four hundred and ten pounds, nine shillings, also by Government Securities burnt by a Committee of both Houses amounting to with Interest One hundred thirty six thousand and fifty two pounds three shillings and eight pence, also by a remittance of Taxes on the Town of Becket for the years 1761, 1762 and 1763 by Order of Court June 8. 1764 amounting to One hundred forty seven pounds ten shillings, also by Taxes arising by means of a defective Constable in the Town of Methuen for the year 1766 and the Execution returned by the Sheriff non est inventus amounting to fifty eight pounds, eleven shillings and one penny and is now added to the Taxes of Methuen for the year 1769, also by Taxes laid on the Town of Wenham for 1765 One hundred thirty one pounds, ten shillings and ten pence, which Sum no return was ever made, nor no part of it ever paid into his majesty's Treasury and said Sum is now added to the Taxes of Wenham for the year 1769, also by outstanding Taxes due from the several Towns amounting to the Sum of Sixty five thousand two hundred, nineteen pounds, three shillings and ten pence; By balance in hand further to account for Thirteen thousand, seven hundred and nineteen pounds, eighteen shillings and two pence, all which Sums amount to Two hundred, twenty nine thousand, seven hundred, thirty nine pounds, six shillings and seven pence

NATH<sup>L</sup> SUMNER p Order

Upon which the following Order passed viz<sup>t</sup>

*Resolved* That the Treasurer be & hereby is discharged of the Several payments in the foregoing Account, amounting to One hundred & fifty thousand, Eight hundred pounds, four shillings & Seven pence And that he be further Accountable for the Sum of Sixty five thousand Two hundred & nineteen pounds Three Shillings & Ten pence outstanding Taxes due from the Several Towns when received into the Treasury and the farther sum of Thirteen Thousand seven hundred & nineteen pounds, Eighteen shillings & Two pence ballance in hand. [*Passed October 30.*]

## CHAPTER 16.

### RESOLVE ALLOWING £20 TO WILLIAM BAKER.

A PETITION of William Baker Setting forth, That he has upwards of twenty years served the Government in the capacity of messenger to the two Houses during their sitting, and in the recess of the Court as Doorkeeper to the Governor and Council, during all which time he has done his best endeavours faithfully to discharge the duties of his office That the Grants made him from time to time for his Services, have been insufficient for the support of himself and Family. And praying a further allowance.

[Read and]

*Resolved* that the Sum of twenty pounds be allowd and paid out of the publick Treasury to William Baker the Petitioner in Consideration of his extraordinary Services. [*Passed November 2.*]

Legislative  
Records of the  
Council,  
xxviii., 337.  
Mass.  
Archives, 1,  
347.

Mass.  
Archives, 1,  
346. Legisla-  
tive Records of  
the Council,  
xix., 34.  
House Jour-  
nal, pp. 127, 130.



## CHAPTER 17.

RESOLVE DIRECTING THE PROVINCE TREASURER TO DISCHARGE THE TOWN OF DEERFIELD OF £4.7.10 TAXES AND LAY THE SAME UPON THE DISTRICTS OF SHELBURNE AND CONWAY.

Legislative  
Records of the  
Council,  
xxviii., 340.

House Jour-  
nal, pp. 121, 129,  
130. Province  
Laws, v., 10,  
chap. 1; 141,  
note.

WHEREAS it appears to this Court that the Town of Deerfield was Taxed the Sum of fifteen pounds ten shillings the whole of the Representatives pay for the Town of Deerfield the Districts of Shelburne and Conway for the last year: and whereas it appears that part of said Sum of £15.10/ to wit £2.10.4 ought to have been set to and laid upon the District of Shelburne, and also £1.17.6 part of said Sum of £15.10/ ought to have been set to and laid upon the District of Conway but the same was inadvertently omitted; therefore

*Resolved* and

*Ordered* that the Treasurer and Receiver General of this Province be and is hereby directed to discharge the said Town of Deerfield from the Sum of four pounds, seven shillings and ten pence and that the same be set to and laid upon the said Districts in their respective proportions aforesaid. [*Passed November 5.*]

## CHAPTER 18.

ORDER IMPOWERING SAM<sup>L</sup> FARRAR, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 341.

House Jour-  
nal, p. 135.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Samuel Farrar Administrator of the Estate of Elisha Child late of Lincoln in the County of Middlesex deceased Intestate Setting forth That the said deceaseds debts together with an allowance to his Widow of Household utensils, and charges of Administration &c amount to £53.17.6 more than his Personal Estate That his Real Estate consists of the homestead in said Lincoln, with an House, Barn and Shop thereon, and about one hundred and eleven acres of Land in the County of Worcester That the Lands in the County of Worcester will be insufficient to pay those debts and charges; and as the sale of a part only of the Homestead would prejudice the remainder, Praying that he may be empowered to make sale of the whole of the said Homestead, (exclusive of the Widows Dower) he to be accountable.

Read and

*Ordered* that the prayer of the within written Petition be granted, and that the Petitioner in his said capacity be and he is hereby authorized and empowered to sell, to as good advantage as may be, the whole of the said deceaseds homestead, excepting the Widows Dower, and to give a sufficient Deed or deeds of the same; he giving previous notice of the intended sale in time and manner as the Law of this Province respecting the sale of Real Estates by Executors and administrators doth direct; and giving caution to the Judge of Probate for said County of Middlesex that the proceeds of such sale, so far as shall be necessary, be applied for the payment of the Debts and charges aforesaid; and that the overplus be distributed among the Heirs of the said deceased in proportion as the



Law directs, and that he render to the said Judge an account, upon Oath, of his proceedings in the premisses when thereunto lawfully required. [*Passed November 6.*]

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## CHAPTER 19.

RESOLVE ADMITTING SAMUEL WELLES, ESQ<sup>r</sup>, TO HIS DIVIDEND ON THE ESTATE OF JOHN AUSTIN AND JOHN AUSTIN, JR.

A PETITION of Samuel Welles Esq<sup>r</sup> of Natick Setting forth That by reason of Sickness he was prevented from exhibiting his claim against the Estate of John Austin and John Austin jun<sup>r</sup> Insolvent Debtors (amounting to £558.13.11¾ on Bond dated May 10. 1764 with Interest) until the time by Law allowed for that purpose was expired That the Trustees being sensible of the justice of the Petitioners demand have suspended their proceedings that he might apply to this Court for relief. And praying that he may be admitted to his dividend in the Estate of the said John Austin and John Austin jun<sup>r</sup>; his not putting in his claim, in the time limited by Law notwithstanding, and that the Interest of his said Bond to the time the other Debts and Claims were given in, may be also included.

[Read and]

*Resolved* that the prayer of the Petition be granted and the Petitioner Samuel Welles be admitted to his dividend in the Estate of John Austin and John Austin jun<sup>r</sup> his not putting in his claim in his own person in the time limited, to the contrary notwithstanding, and that the Interest of his said Bond be also included. [*Passed November 6.*]

Legislative  
Records of the  
Council,  
xxviii., 342.  
House Jour-  
nal, pp. 121, 129,  
130, 134.

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## CHAPTER 20.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

*Resolved* that whereas it appears upon examination of the County Treasurers account for the County of York that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1769 were granted and paid out for such purposes and appropriations as the Law impowered the said Court to grant and allow, and that therefore said accounts be allowed. [*Passed November 6.*]

Legislative  
Records of the  
Council,  
xxviii., 342.  
House Jour-  
nal, pp. 92, 133,  
134.

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## CHAPTER 21.

RESOLVE ALLOWING £7. 19. 6 TO WRENTHAM SELECTMEN AND IMPOWERING THEM TO BIND OUT CERTAIN CHILDREN.

A PETITION of John Hancock and others Selectmen of Wrentham Praying an allowance for the expence they have been at in supporting two Children who were left in said Town by a Woman who said she was the Wife of one Reid a Highland Soldier that had run

Legislative  
Records of the  
Council,  
xxviii., 345.  
House Jour-  
nal, pp. 111, 128,

138, 139. Province Laws, II., 1067, chap. 4.

away, and left her with the said Children, in necessitous circumstances.

[Read and]

*Resolved* That the prayer thereof be granted, and that there be paid out of the Public Treasury to the said Selectmen of Wrentham the Sum of Seven pounds and nineteen shillings and six pence for Boarding, Cloathing, lodging and nursing the Children mentioned in the Petition viz<sup>t</sup> the oldest from the 22<sup>d</sup> of September 1769 to the first of June 1770, the other from the 27 of October 1769 to the 22<sup>d</sup> of May 1770, and that the Selectmen of Wrentham be and they are hereby impowered to bind out said Children, they observing and conforming themselves to the rules of the Law for binding out poor Children being Town Inhabitants, and their doings in this case shall be deemed valid to all intents as tho' special provision had been made by Law for this purpose. [*Passed November 7.*]

## CHAPTER 22.

RESOLVE IMPOWERING NOAH COOK, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxviii., 345.

House Journal, pp. 133, 137, 138. Province Laws, II., 151, chap. 10.

A PETITION of Noah Cook administrator of the Estate of Aaron Goodrich late of Hadley in the County of Hampshire deceased Setting forth That the Personal Estate of the said deceased is insufficient to pay his just debts, and that it would be for the advantage of the Widow and Children of the said deceased if the whole of the Real Estate was sold and the money arising thereby (after the debts are paid) secured for their benefit. And praying that he may be impowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer of the Petition be granted and that the Petitioner in his said capacity be and he hereby is impowered to make sale of the whole of the Estate mentioned for the most the same will fetch and make and execute a good Deed or deeds thereof, he observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving cation to the Judge of Probate for the County of Hampshire that the proceeds be applied as follows viz<sup>t</sup> the Interest arising upon one third part thereof to be annually paid to the Widow of said deceased for her Dower during her natural life, and so much of the remaining two thirds as is necessary be applied for the payment of the just debts of the said deceased, and what shall then remain, if any be, to be paid to the Children of the said deceased, their Guardians or legal Representatives; and at the expiration of the natural life of the said Widow her third to be divided among the Heirs of the said deceased or their legal Representatives according to Law. [*Passed November 7.*]

## CHAPTER 23.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

*Resolved* That Whereas it appears upon examination of the County Treasurer's accounts for the County of Middlesex that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1769 were granted and paid out for such purposes and appropriations as the Law impowered the said Court to grant and allow, that therefore the said accounts be allowed.  
[*Passed November 7.*]

Legislative  
Records of the  
Council,  
xxviii., 346.  
House Jour-  
nal, pp. 92, 136.

## CHAPTER 24.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

*Resolved* That whereas it appears upon examination of the County Treasurer's accounts for the County of Lincoln that all the money granted and allowed by the Court of General Sessions of the Peace for said County for the year 1769 were granted and paid out for such purposes and appropriations as the Law impowered the said Court to grant and allow, that therefore the said accounts be allowed.  
[*Passed November 7.*]

Legislative  
Records of the  
Council,  
xxviii., 347.  
House Jour-  
nal, pp. 92, 139.

## CHAPTER 25.

## RESOLVE CONFIRMING A PLAN OF 750 ACRES OF EQUIVALENT LAND TO THE INHABITANTS OF UXBRIDGE.

A PLAN of seven hundred and fifty acres of Land laid out to the Town of Uxbridge, in two pieces, in satisfaction of a Grant made by the Great and General Court to said Town at their Session April 11. 1770 viz<sup>t</sup> one piece containing five hundred and nine acres and thirty two perch bounding north on a Grant made to Charlemont, West on N<sup>o</sup> 7 Township, South on the old Line of Ashfield and East on M<sup>r</sup> Cobbit's Grant, and there being no more Land in that place but some controverted Land, the remainder was laid bounding on the Province line north of Colrain, bounding West ou Mess<sup>rs</sup> Green and Walker's ten thousand acres and other ways on Province Land, containing two hundred and forty acres, three roods and eight perch Surveyed June 8 & 9. 1770. Plan'd by a Scale of 100<sup>p</sup> in an inch p Nath<sup>l</sup> Dwight Surveyor Samuel Aldridge and Justus Dwight Chainmen Sworn to, before Simeon Strong Jus<sup>t</sup> peace

Legislative  
Records of the  
Council,  
xxviii., 347.  
House Jour-  
nal, pp. 125, 140.  
Province  
Laws, xii., 470,  
chap. 260.  
*Ante*, p. 425,  
chap. 104.

And the same being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

*Resolved* That the within Plans both together containing seven hundred and fifty acres delineated and described as it is set forth thereon be accepted and hereby is confirmed unto the Inhabitants of the Town of Uxbridge and to their assigns forever, in lieu of and in full satisfaction for the five hundred acres granted by the

General Court to the said Town of Uxbridge in their Sessions in May 1737 which fell into the Province of Newhampshire by running the Line between this Province and said Province of Newhampshire; Provided the said two pieces of Land together do not exceed the said quantity of Seven hundred and fifty acres, nor interfere with any former Grant. [*Passed November 7.*]

## CHAPTER 26.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative  
Records of the  
Council,  
xxviii., 348.

House Jour-  
nal, pp. 92, 139.

*Resolved* That whereas it appears upon examination of the County Treasurer's accounts for the County of Bristol that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1769 were granted and paid out for such purposes and appropriations as the Law impowered the said Court to grant and allow, that therefore the said accounts be allowed. [*Passed November 7.*]

## CHAPTER 27.

### RESOLVE GRANTING THE PETITION OF JOHN PHILLIPS IN REGARD TO WAGES OF MEN AT CASTLE WILLIAM.

Legislative  
Records of the  
Council,  
xxviii., 350.  
Mass.  
Archives,  
lxxx., 669.

Mass.  
Archives,  
lxxx., 669.  
Legislative  
Records of the  
Council,  
xxviii., 304, 311,  
313, 320, 321.  
House Jour-  
nal, pp. 136, 140.  
*Ante*, p. 375,  
chap. 2.

A PETITION of John Phillips late in Command at his Majesty's Castle William Setting forth, That the Garrison in the Pay of this Province was discharged in the month of Septem<sup>r</sup> last; and not having previous notice thereof so late in the season of the year they had not the opportunity, as otherwise they might, of turning themselves into different employments for their support, and many of them, the Petitioner fears will suffer great hardships in the ensuing Winter unless they are relieved by this Court. And Praying Relief.

[*Read and*]

*Resolved* that the prayer of this petition be so far granted as that the Establishment of Wages so far as relates to y<sup>e</sup> Petitioner & those that were under him late in the pay of the province at Castle William & now dischargd be continued till the twentieth Day of Decem-ber next ensuing. [*Passed November 8.*]

## CHAPTER 28.

### RESOLVE IMPOWERING MARY ALLEN, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 352.

House Jour-  
nal, pp. 129, 141.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Allen administratrix of the Estate of her late Husband Benjamin Allen jun<sup>r</sup> late of Lincoln in the County of Middlesex deceased Setting forth That the said deceased died siezed of a Tract of Land in Princetown in the County of Worcester containing about Sixty acres with a small dwelling House thereon That the debts due from the said deceaseds Estate amount

to £67.10.3 and praying that she may be impowered to make sale of all the Real Estate which the said deceased died siezed of, to enable her to discharge the said debts and support herself and the two Children of the said deceased being daughters, the youngest not two years of age.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is hereby impowered to make sale of the whole of the Real Estate in her Petition mentioned for the most the same will fetch, she observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Middlesex that the proceeds of said Sale be applied as follows viz' that the Petitioner the Widow shall have the use of one third thereof for her support in lieu of her dower during her natural life, and the remainder be applied for the payment of the debts of the deceased, and the residue after the said debts are paid together with the Widows thirds after her decease be for the benefit of the Heirs agreeable to Law. [*Passed November 8.*]

## CHAPTER 29.

### RESOLVE IMPOWERING HAN<sup>A</sup> INGERSOLL, ADM<sup>S</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Ingersoll of Taunton Widow & admin<sup>x</sup> of the Estate of James Ingersoll deceased Setting forth, That the Estate of the said deceased is insufficient to pay his just debts That the deceased left one Child of about two years of age That the said Child has a right in a small Estate in Boston derived to him from his late Grandfather which is out of Repair and is all the dependance he has for his support, the Petitioner being unable to provide for him. And praying that she may be impowered to make sale of the said minors interest in the said Estate for that purpose.

[Read and]

*Resolved* That the Petitioner be and she accordingly is hereby fully impowered to sell the Estate in her Petition mentioned for the most the same will fetch and make and execute a good and sufficient Deed or deeds thereof, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Bristol that she will apply the proceeds of said Sale for the benefit of the Child mentioned in her Petition in such manner as the Judge of Probate for said County shall from time to time order and direct. [*Passed November 8.*]

Legislative  
Records of the  
Council,  
xxviii., 352.

House Jour-  
nal, pp. 123, 143.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 30.

RESOLVE IMPOWERING MARTHA DAVIS, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 353.

House Jour-  
nal, pp. 111, 142,  
143. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Martha Davis administratrix of the Estate of her late Husband Ephraim Davis late of Petersham in the County of Worcester deceased Setting forth That she hath already paid of the said dec<sup>d</sup>s debts the Sum of £23.9.1 more than his Personal Estate was sufficient to discharge, and that there still remains due from the said deceaseds Estate to sundry Persons the Sum of £5.5.9 That the said deceased died seized of a Tract of Land in said Petersham containing about Eighty six acres appraised at £50 and praying that she may be impowered to make sale of the said Tract of Land to enable her to pay the said deceaseds remaining debts and reimburse her the said Sum of £23.9.1, and also to enable her to support herself and the Children of the said deceased.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is hereby impowered to sell the whole of the Real Estate in her Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or deeds thereof to the purchaser, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> that the Widow shall be allowed the use of one third part thereof in lieu of dower during her natural life and the residue be applied for the payment of the deceaseds debts and the overplus, if any be, together with the Widows third after her decease shall be for the benefit of the Children of the said deceased agreeable to Law, all his just debts being paid as aforesaid. [*Passed November 8.*]

## CHAPTER 31.

## RESOLVE ALLOWING CERTAIN SUMS TO DIVERS PERSONS FOR SERVICES IN RELATION TO THE LAND BANK.

Legislative  
Records of the  
Council,  
xxvii., 359.

Legislative  
Records of the  
Council,  
xxvii., 228, 277,  
278, 321. House  
Journal, p. 144.  
*Ante*, p. 236,  
chap. 155.

ON THE PETITION of Samuel Dexter Esq<sup>r</sup> and others a Committee appointed to examine into the state of the late Land Bank Company.

*Resolved* That there be paid out of the Public Treasury as followeth viz<sup>t</sup> To Samuel Dexter Esq<sup>r</sup> Thirteen pounds, nineteen shillings. To James Humphrey Esq<sup>r</sup> Six pounds, nineteen shillings and six pence. To said Committee for the use of Seth Blodgett, his account for the use of his House, Diet &c Seven pounds fourteen shillings and six pence. To said Committee for the use of Nathaniel Gorham, his account for casting accounts &c Fifteen pounds sixteen shillings to be in full for their respective services; and that the further consideration of the Petition so far as respects the account of Cap<sup>t</sup> Edward Sheaffe (one of the Petitioners) be referred to the next Session. [*Passed November 9.*]



## CHAPTER 32.

RESOLVE IMPOWERING JER. WHITTEMORE, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jeremiah Whittemore administrator of the Estate of Isaac Whittemore late of Spencer in the County of Worcester deceased Setting forth That there remains in his hands of the Personal Estate of the said deceased no more than the Sum of £16.7.1½ That there still remains due to sundry Persons from the said deceased Estate the Sum of £115.12.0½ That the said deceased died siezed of a Farm in said Spencer apprizd at £466.13.4 and a Pew in the meeting House apprizd at five pounds That it would be prejudicial to the remainder of said Farm if so much thereof should be sold as will be sufficient to pay the said debts. And praying that he may be impowered to make Sale of the whole of the Real Estate afores<sup>d</sup> the produce of such sale to be applied for payment of the said deceaseds debts and the benefit of his Children agreeable to Law.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby impowered to sell the Real Estate in his Petition mentioned, for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and first giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as follows viz<sup>t</sup> that the Debts due from said Estate be paid, and the residue thereof paid to the Guardians of the Children of the deceased to be by them put to Interest for the use of the said Children and paid to them when of age respectively as they can by Law inherit. [*Passed November 9.*]

Legislative  
Records of the  
Council,  
xxviii., 361.

House Jour-  
nal, pp. 98, 142.  
Province  
Laws, li., 151,  
chap. 10.

## CHAPTER 33.

RESOLVE APPOINTING A COMMITTEE TO MAKE SALE OF AN ISLAND IN CONNECTICUT RIVER.

In the House of Representatives

*Resolved* that Joseph Hawley & Elisha Porter Esquires with such as the Hon. Board shall joyn be a Committee to make Sale to the highest Bidder at publick Vendue, of a certain Island in Connecticut River within this Province, lying between that part of the Town of North Hampton called old Rainbow and that part of the Town of Hadley called Fort Meadow, consisting of three or four Acres of good improveable Land, and about as much more that is likely in a short time to be fit for improvement: And that the said Com<sup>tee</sup> be and they hereby are authorizd in Behalf of this Province to convey the said Island by Deed to the highest Bidder; and to give to the Purchaser, such Credit or Day of Payment of the Purchase Consideration or part thereof on good Security to the Province Treasurer for the Use of the Province, and upon Interest from

Legislative  
Records of the  
Council,  
xxviii., 362.  
Mass.  
Archives,  
cxviii., 474.

Mass.  
Archives,  
xli., 585.  
House Jour-  
nal, pp. 132, 147.  
Province  
Laws, v., 147,  
notes.

the time of Sales as they shall judge will be most for the Interest of the Province

In Council Read and concurred and John Worthington Esq is joined in the affair. [*Passed November 10.*]

## CHAPTER 34.

RESOLVE ESTABLISHING THE GARRISONS AT CASTLE WILLIAM AND FORT POWNALL AND THE WAGES THEREOF.

Legislative  
Records of the  
Council,  
xxviii., 363.  
Mass.  
Archives,  
lxxx., 670.

*Resolved*, That there be an Establishment for fifty Men, Officers included, for the Defence of Castle-William, and that their Wages be fixed at the following Rates, to continue from the 20<sup>th</sup> Day of June last to the 10<sup>th</sup> Day of September last Viz:

House Jour-  
nal, pp. 150, 151.  
*Ante*, p. 478,  
chap. 27.

For one Captain,	per Annum . . . . .	£56. 3. 10
For one Lieutenant	D <sup>o</sup> . . . . .	28. 11. 5
For one Chaplain	Ditto . . . . .	33. 6. 8
For one Gunner	Ditto . . . . .	45. 6. 8
For one second Gunner	Ditto . . . . .	33. 6. 8
For one Armorer,	per months . . . . .	2. 4. 6
For two Serjeants	Ditto, each . . . . .	1. 12. 0
For six Quarter Gunners	Ditto, each . . . . .	1. 12. 0
For four Corporals	Ditto, each . . . . .	1. 9. 4
For one Drummer	Ditto, each . . . . .	1. 9. 4
For thirty one Privates,	Ditto each . . . . .	1. 4. 0

Also

*Resolved*, That there be an Establishment for twenty Six men officers included for Fort-Pownall at Penobscot, and that their Wages be fixed at the following Rates to continue for one year, from the 20<sup>th</sup> of June last,

For one Lieutenant, per month . . . . .	£2. 10. 0
For one Chaplain per Ditto . . . . .	4. 0. 0
For an Interpreter, per Ditto . . . . .	2. 10. 0
For one Gunner per Ditto . . . . .	2. 5. 0
For one armourer per Ditto . . . . .	1. 10. 0
For one Serjeant per Ditto . . . . .	1. 10. 0
For twenty Privates, per Ditto each . . . . .	1. 4. 0

[*Passed November 10.*]

## CHAPTER 35.

ORDER GRANTING THE PETITION OF REBECCA SWIFT IN REGARD TO DOWER IN LAND SOLD.

Legislative  
Records of the  
Council,  
xxviii., 366.

House Jour-  
nal, pp. 123, 141,  
146, 154. *Ante*,  
p. 312, chap.  
189.

A PETITION of Rebecca Swift Widow of Nathaniel Swift late of Milton deceased Intestate Setting forth That she, together with Jeremiah Tucker administrators of the Estate of the said Nathaniel in December 1767 obtained from the General Court an Order to make sale of the Real Estate of said Intestate, but it so happend that thro' some mistake, no provision was made for the Petitioners Right of Dower but the whole nett produce of the Estate was ordered to be put out to Interest for the benefit of the Children: and praying relief.

[Read and]

*Ordered* that the prayer of the foregoing Petition be granted, and that one third part of the proceeds of the Sale of the Real Estate therein mentioned be (by the administrators thereof) put out on Interest on sufficient security, such Interest to be applied to the use of the Petitioner during her natural life, and to be paid to her annually; and that the principal Sum at her decease be distributed among the lawful Heirs of the Intestate in said Petition mentioned, in proportion as the Law directs; anything in the Order of the General Court in said Petition mentioned to the contrary notwithstanding. [*Passed November 13.*]

## CHAPTER 36.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DISPOSE OF SOLDIERS' CLOTHS.

*Resolved* That the Commissary General be & hereby is directed to dispose of a Quantity of Soldiers Cloths now in his Store for the most the same will fetch either at Public Auction or at private Sale as he shall judge will be most for the Interest of the Province. [*Passed November 14.*]

Legislative  
Records of the  
Council,  
xxviii., 368.  
Mass.  
Archives,  
lxxx., 671.

House Jour-  
nal, p. 156.

## CHAPTER 37.

RESOLVE ALLOWING £9.9 TO REV<sup>d</sup> STEPHEN BADGER FOR SUNDRY PAYMENTS.

A PETITION of Stephen Badger of Natick Praying an allowance of sundry accounts for Boarding and supporting Sarah Wampsquam a poor Indian, not an Inhabitant of any Town in the Province.

[Read and]

*Resolved* that there be allowed and paid out of the Public Treasury to the Rev<sup>d</sup> M<sup>r</sup> Stephen Badger, the Sum of Nine pounds and Nine pence: three pounds five Shillings and Nine pence of said Sum for the use of Eunice Spiewood for boarding & taking Care of Sarah Wampsquam, an Aged Indian Woman, from the 12<sup>th</sup> Day of April last to the 13<sup>th</sup> Day of July last, being thirteen weeks & one Day at 5/ per Week: And four pounds five Shillings of said Sum for the use of Sarah Comecho for boarding and taking Care of the said Sarah Wampsquam from the said 13<sup>th</sup> of July last, to the 9<sup>th</sup> Day of November Instant, being Seventeen weeks at 5/ p week: the remaining Sum of One pound ten Shillings for his Own use to discharge his account for necessary Cloathing he provided for the said Sarah Since the 13<sup>th</sup> Day of July last. [*Passed November 14.*]

Legislative  
Records of the  
Council,  
xxviii., 368.  
Mass.  
Archives, xiv.,  
591.

Mass.  
Archives, xiv.,  
590. House  
Journal,  
pp. 148, 155.  
*Ante*, p. 453,  
chap. 165.

## CHAPTER 38.

RESOLVE GRANTING EQUIVALENT LANDS TO THE HEIRS OF BENJA PRESCOTT, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xxviii., 369.

Maps and  
Plans, Mis.,  
xvi., 21. Legis-  
lative Records  
of the Council,  
xxvi., 72.  
House Jour-  
nal, p. 187,  
(1769–4);  
pp. 129, 156.

THE COMMITTEE on the Petition of James Prescott Esq<sup>r</sup> and others<sup>1</sup> have attended that Service and duly examined the same and find the facts set forth in said Petition true, That the Petitioners in the year 1765 had a grant made to them as mentioned in said Petition of a Township of seven miles square as by the Votes of both Houses of assembly may appear, but not Signed by the Governor, since which some of the Grantees interested in said Grant have Petitioned the General Court and have obtained separate Grants in consideration of their interest or proportion of said Grant; and it appears to the Committee that the Petitioners interested in said Grant ought to have a compensation or separate Grant made to them as well as others in the like circumstances: Therefore

*Resolved* That in lieu thereof there be granted to the Petitioners, their Heirs and assigns four thousand four hundred acres of the unappropriated Lands belonging to this Province to be laid out in the Westerly part thereof adjoining to some former Grants, Provided they can find the same, or five thousand eight hundred and eighty acres of the unappropriated Lands lying on the Easterly side of Saco River, it being their proportion in said Grant, and return a Plan thereof taken by a Surveyor and Chainmen under Oath into the Secretary's office within twelve months. [*Passed November 14.*]

## CHAPTER 39.

RESOLVE ALLOWING £3 ANNUALLY TO NATH<sup>L</sup> CONANT.

Legislative  
Records of the  
Council,  
xxviii., 370.  
Mass.  
Archives,  
lxxx., 668.

Mass.  
Archives,  
lxxx., 667.  
House Jour-  
nal, pp. 144, 156.

A PETITION of Nathaniel Conant of Bridgewater Setting forth That in the year 1762 he enlisted into his majesty's Service in Col<sup>o</sup> Hoar's Regiment and was at the retaking of Newfoundland, in which Service he contracted an illness which centered in his Knee and hath at length made him a cripple, so that he is now unable to labour for his support: and Praying relief.

Read and

*Resolved* that there be Allowed and paid out of the publick Treasury to the petitioner the Sum of Three pounds, and the Same Sum Annually till the further order of this Court. [*Passed November 14.*]

## CHAPTER 40.

RESOLVE IMPOWERING HANNAH ROBBINS, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 373.

A PETITION of Hannah Robbins Widow, and administratrix of the Estate, of Asa Robbins late of Warwick in the County of Hampshire deceased Setting forth That the Real Estate of the said Asa Rob-

<sup>1</sup> Heirs of Benj<sup>a</sup> Prescott. — Legislative Records of the Council, xxviii., 369.

bins, consisting of about twenty five acres of Land with a House, Saw mill and Corn mill thereon, lies in such form that her Dower cannot be set off without great prejudice to the remainder, and that the Estate is very much in debt: and praying that she may be empowered to make Sale of the whole of the Real Estate aforesaid; she to be accountable.

[Read and]

*Resolved*, That the prayer thereof be granted, and that the Petitioner be and she accordingly is hereby empowered to make sale of the whole of the Real Estate in her Petition mentioned for the most the same will fetch, she observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Hampshire that the proceeds of said sale be applied as followeth viz<sup>t</sup>, that the Widow shall be allowed one third part of the Income of the same for her use annually during her natural life in lieu of her Dower, and that the residue be applied for the payment of the debts of the deceased, and the overplus, if any be, together with the third allowed to the Widow, after her decease, the debts being first paid, be divided to and among the Heirs of the deceased, or their legal Representatives. [*Passed November 14.*]

House Jour-  
nal, pp. 103, 142,  
158. Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 41.

### RESOLVE IMPOWERING WM BOSSON TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Bosson of Roxbury Setting forth That his Grandfather William Bosson and Dorothy his Wife did in the year 1712 convey by Deed to one John Holbrook of said Roxbury and his Heirs in trust forever a certain Tenement and Shop with a small slip of Land adjoining to be by him and them improved for the use and benefit of William the Son of the said William and Dorothy and the Heirs of his Body lawfully begotten forever That the Premises have been improved for the purposes mentioned in said Deed, but are now in a ruinous condition and almost become a public nuisance and the Heirs unable to repair the same That the Petitioner hath a Power to act for the present Trustee: and Praying that he may be empowered to make sale of the Premises, so that the Heirs may receive some benefit therefrom.

[Read and]

*Resolved* That the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to sell the Estate within mentioned for the most the same will fetch and make and execute to the purchaser or purchasers thereof a good Deed thereof and giving security to the Judge of Probate for the County of Suffolk that the proceeds of said sale shall be paid to the respective Heirs or those who by Law have a right to receive the same, provided that in the sale thereof the Petitioner shall pursue such rules as are by Law required of Executors and administrators. [*Passed November 15.*]

Legislative  
Records of the  
Council,  
xxviii., 374.

House Jour-  
nal, pp. 137, 158.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 42.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF THE  
COUNTY OF DUKES COUNTY.

Legislative  
Records of the  
Council,  
xxviii., 374.

House Jour-  
nal, pp. 92, 157.

*Resolved* that Whereas it appears upon the examination of the County Treasurer's account for the County of Dukes County that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1769 were granted and paid out for such purposes and appropriations as the Law impowered said Court to grant and allow, that therefore the said accounts be allowed. [*Passed November 15.*]

## CHAPTER 43.

RESOLVE GRANTING AND CONFIRMING A TRACT OF LAND TO DAVID  
INGERSOLL, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xxviii., 375.

Legislative  
Records of the  
Council,  
xxvii., 139;  
xxviii., 179, 315,  
351. House  
Journal,  
pp. 101, 145, 158,  
159. *Ante*,  
p. 248, chap. 48.

WHEREAS Joseph Dwight and Joseph Hawley Esq<sup>rs</sup> two of a Committee appointed by the General Court in April 1755 by their Deed executed the 17<sup>th</sup> of July 1756 sold to David Ingersoll Esq<sup>r</sup> a certain Tract of Land described in said David's Petition, for which Land the said David Ingersoll gave his Bond to the Treasurer of the Province for One hundred pounds, which Bond has since been put in Suit and Judgment obtained thereon;

*Resolved* That the Right, title and Estate of the Province in and to the said Tract of Land be and hereby is granted and confirmed unto the said David Ingersoll, his Heirs & assigns forever.

The Land above referred to, contains about one thousand and five acres, and is bounded and described, in the said David Ingersoll's Petition, as follows viz<sup>t</sup>

"The first Line begins at the Southwest corner of the Township of Stockbridge and runs north eight degrees East four hundred and thirty Rods, the north line begins at the end of the said first line or distance aforesaid from the Southwest corner of Stockbridge and runs West nine degrees north two hundred and forty Rods, from the end of which line the West line runs South eight degrees West six hundred and seventy rods, from the end which last line the South line runs East nine degrees South two hundred and forty rods to the West line of the Town of Great Barrington, formerly part of Sheffield, thence said Tract of Land is bounded on the said Township of Great Barrington once part of Sheffield to the first station viz<sup>t</sup> up to the Southwest corner of Stockbridge being the northwest corner of Township of Great Barrington." [*Passed November 15.*]

## CHAPTER 44.

## RESOLVE IMPOWERING JOHN JAMES, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xxviii., 385.

A PETITION of John James of Cohasset Guardian to Enoch James and Thomas James minors and Sons of John James late of said Cohasset deceased Setting forth That the said deceased by his



last Will and Testament, after several devises, gave the remainder of his Estate to his four Sons viz' John (the Petitioner) Francis, Enoch and Thomas to be equally divided among them, and that in the Division thereof it became necessary that one piece of Land containing about thirteen acres should be assigned and set off to three of the Children viz' the Petitioner and the said minors That the Petitioner is about to remove from said Cohasset and is obliged to make sale of his share in said piece of Land which will involve the said minors in a considerable expence as their shares must be fenced from the other; and, besides it will sell to greater advantage all together than in separte shares: and Praying that he may be impowered to make sale of the said minors shares in the Premises.

Read and whereas it appears that the facts set forth in this Petition are true,

*Resolved* that the prayer be granted, and that the Petitioner be and he accordingly is hereby fully impowered to make sale of the thirteen acre Lot in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed of the same to the purchaser or purchasers thereof, he observing the rules by Law required of Executors and administrators in sale of Real Estates and giving sufficient security to the Judge of Probate for the County of Suffolk, that he will duly account with and pay to the other Heirs their Guardians or the legal Representatives of such Heirs their parts or shares thereof when thereunto required. [*Passed November 17.*]

House Journal, pp. 164, 165.  
Province Laws, li., 151, chap. 10.

## CHAPTER 45.

### RESOLVE ALLOWING THE PROVISION ACCOUNT OF THE LATE COMMISSARY GENERAL.

THOMAS HUBBARD Esq<sup>r</sup> late Commissary General having laid before the Court his several accounts, the following Orders passed thereon after having been previously examined by a Committee of the two Houses respectively viz'

On his account of Provisions. bought and delivered out

Whereas it appears that the foregoing account is well vouched and right cast, and that the articles of debt therein contained are such as the accomptant had a right to charge therefore

*Resolved* that the said account be allowed and that the said Thomas Hubbard Esq<sup>r</sup> late Commissary General be fully discharged. [*Passed November 19.*]

Legislative Records of the Council, xxviii., 387.

Legislative Records of the Council, xxviii., 235.  
House Journal, pp. 98, 166.  
*Ante*, p. 454, chap. 166;  
p. 456, chap. 173.

## CHAPTER 46.

### RESOLVE ALLOWING THE ACCOUNT OF INDIAN TRADE OF THE LATE COMMISSARY GENERAL.

WHEREAS it appears that the foregoing account [of the Indian trade] is well vouched and right cast, and that the articles of debt therein charged are such as the accomptant had a right to charge, therefore

*Resolved* that the said account be and hereby is allowed and that the said Thomas Hubbard Esq<sup>r</sup> late Commissary General be fully discharged. [*Passed November 19.*]

Legislative Records of the Council, xxviii., 387.

House Journal, pp. 165, 166.  
*Supra*, chap. 45.

## CHAPTER 47.

## RESOLVE ALLOWING THE GENERAL ACCOUNT OF THE LATE COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xxviii., 387.

House Jour-  
nal, p. 166.  
*Supra*, chap.  
46.

WHEREAS it appears that the foregoing account [Account current] is well vouched and right cast, and that the articles of debt therein contained are such as the accomptant had a right to charge, therefore

*Resolved* that the said account be and hereby is allowed, and that the said Thomas Hubbard Esq<sup>r</sup> late Commissary General be fully discharged. [*Passed November 19.*]

## CHAPTER 48.

## ORDER GRANTING £20 TO THE TOWN OF PROVINCETOWN.

Legislative  
Records of the  
Council,  
xxviii., 388.  
Mass.  
Archives, xlv.,  
609.

House Jour-  
nal, p. 167.

*Ordered* that the sum of Twenty pounds be allowed & Granted to the Town of Province Town & that the Province Treasurer be & hereby is directed to pay into the hands of the Rev<sup>d</sup> M<sup>r</sup> Upham of Truro the sum of Twenty pounds aforesaid to be improved by him according to his best discretion in hiring Some person to Preach to the Inhabitants of Province Town aforesaid the Ensuing Winter. [*Passed November 19.*]

## CHAPTER 49.

## RESOLVE ALLOWING £224 TO THE TOWN OF BOSTON.

Legislative  
Records of the  
Council,  
xxviii., 391.  
Mass.  
Archives,  
cxviii., 473.

Mass.  
Archives,  
cxviii., 471.  
House Jour-  
nal, pp. 149, 155,  
170, 175; Appen-  
dix (1770).

*Resolved* that the Sum of Two hundred & Twenty four pounds be granted & allowed to be paid out of the Public Treasury to M<sup>r</sup> David Jeffries the Treasurer of the Town of Boston for the use of said Town being in full for the Expence the said Town was at in hiring a Vessell to Carry Dispatches of a Public Nature to London relative to the Transaction of the Evening of the 5 of March last in said Town. [*Passed November 20.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRD DAY OF APRIL, A.D. 1771.

## CHAPTER 50.

RESOLVE ALLOWING £82. 10 TO REV<sup>D</sup> ELI FORBES.

A PETITION of Eli Forbes of Brookfield Clerk Praying an allowance for Boarding and Instructing three Indian Children placed under his care by the Government, from the 18<sup>th</sup> day of March 1770 to the 8<sup>th</sup> of April instant.

[Read and]

*Resolved* that there be paid out of the Publick Treasury of the Intrest arising on S<sup>r</sup> Peter Warrens Donation the Sum of Eighty Two pounds ten Shillings to M<sup>r</sup> Eli Forbes in full Discharge of His account for Keeping the Indian Children in his Petition mentioned until the Eighth Instant. being fifty five weeks

And that the Said M<sup>r</sup> Forbes (as soon as may be) Lay before this Court the true State of those Indian Children under his Care together with the progress they have made in Learning. In order that this Court may be better Enabled to Judge of the utility of this method of Disposing of the Intrest aforesaid. [*Passed April 9.*]

Legislative  
Records of the  
Council,  
xxviii., 449.  
Mass.  
Archives,  
xxxiii., 532.

Mass.  
Archives,  
xxxiii., 531.  
House Jour-  
nal, pp. 192, 196.  
*Ante*, p. 403,  
chap. 65.

## CHAPTER 51.

RESOLVE ALLOWING £3. 18. 6 TO EBEN<sup>S</sup> SIMPSON.

A PETITION of Ebenezer Simpson of York in the County of York Setting forth That in the year 1764 he was possessed of six Province notes of Six pounds each payable with Interest on or about the month of July or August 1764, at which time there was due for Interest on the same notes the Sum of £9.15.6 That on sending the same to the Treasurer to be paid he allowed no more than £5.17/ for Interest; being restrained from allowing Interest after a certain time by a Law of the Province; the face of the notes to the contrary notwithstanding That the Petitioner living in a remote part of the Province knew nothing of the said Law: and praying that he may be allowed the remainder of the Interest aforesaid.

[Read and]

*Resolv'd* that there be paid out of the Province Treasury to the Petitioner Ebenezer Simpson the Sum of Three pounds eighteen shillings & six pence in full of Interest due on the Notes mention'd

Legislative  
Records of the  
Council,  
xxviii., 450.  
Mass.  
Archives, civ.,  
583.

House Jour-  
nal, p. 197 *bis*.  
Province  
Laws, iv., 376,  
chap. 8; 576,  
chap. 6.

in this Petition, he having Rec'd that Sum short of the Real Interest due on said Notes by a restriction laid on the Treasurer. [*Passed April 9.*]

## CHAPTER 52.

RESOLVE IMPOWERING JOHN HARDING, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 452.

House Journal,  
pp. 192, 198,  
199. Province  
Laws, ii., 161,  
chap. 10.

A PETITION of John Harding of Sturbridge<sup>1</sup> Setting forth That Amos Rice late of Brookfield deceased did by his last Will & Testament give and bequeath to his daughter Mary Rice and the Petitioners seven Children one Tract of Land in common in the Township of Brookfield appraised at £100 and also gave to his Son John Rice and his daughter Mary Rice and the Petitioners Children aforesaid an hundred acre Right in the commons of the Township of Rutland, which hath since been laid out That the said Lands are of no advantage to the said Children at present and cannot be divided without prejudice thereto and praying that he may be enabled to make Sale of his said Childrens Interest in the Lands aforesaid, for their benefit; he to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to make sale of all his said Childrens Right in the Lands in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, he observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale with the Interest thereon afterwards shall be paid to the said Children respectively when they shall arrive at the age of twenty one years in the same proportion as they would hold and enjoy the said Land in case it had not been sold. [*Passed April 10.*]

## CHAPTER 53.

RESOLVE ALLOWING £5 ADDITIONAL ANNUALLY TO ABIJAH FROST.

Legislative  
Records of the  
Council,  
xxviii., 453.  
Mass.  
Archives,  
lxxx., 677.

Mass.  
Archives,  
lxxx., 677.  
House Journal,  
pp. 191, 199.  
Province  
Laws, xvi., 747,  
chap. 420; xvii.,  
106, chap. 248.

A PETITION of Abijah Frost Setting forth That he had the misfortune to lose his right arm by a Cannon Ball in the year 1760, being then in the service of this Province in the Siege of Isle au Noix; which bath utterly disabled him to follow the profession of a Shoemaker on which alone he depended for a living That the General Court hath been pleased to grant him an annual Pension of Seven pounds, which he finds is insufficient to support himself and Family; and who must suffer unless further relief is granted him and praying relief accordingly.

[Read and]

*Resolved* that the prayer of this Petition be granted & there be allow'd & paid to the petitioner out of the publick Treasury the Sum of five pounds annually in Addition to his former Allowance to continue during the pleasure of this Court. [*Passed April 10.*]<sup>2</sup>

<sup>1</sup> The House Journal, p. 192, reads, "Guardian."

<sup>2</sup> Two days later a further resolve appears for paying the pension "at this time." — Legislative Records of the Council, xxviii., 460; House Journal, pp. 210, 211.

## CHAPTER 54.

## RESOLVE CONFIRMING TO SAMUEL RICE TITLE TO LANDS.

A PETITION of Samuel Pierce and Lemuel Roberts Setting forth That on the 12<sup>th</sup> day of June 1764 the Great and General Court granted to Samuel Rice his Heirs and assigns forever two hundred acres of the unappropriated Lands of the Province near Hoosuck Mountain in the County of Berkshire, upon certain Conditions; as by the Records of the Court may appear That the said Samuel Rice returned a Plan of the said two hundred acres of Land for confirmation, and also a certificate of his having performed the said Conditions; but the said Plan (unknown to the said Samuel until lately) did not pass all the branches of the Legislature That the Petitioners having purchased the Right and title of the said Samuel Rice in the said Land, are apprehensive they may in future be deprived of the same with their Labour and expences thereon, without the interposition of this Court and praying that the said Tract of Land may now be confirmed.

Legislative  
Records of the  
Council,  
xxviii., 453.

House Jour-  
nal, pp. 181, 182  
(November,  
1765); pp. 196,  
198, 199. Prov-  
ince Laws,  
xvii., 539,  
chap. 71.

Read [and] thereupon

*Resolved* and

*Ordered* that the Land delineated and described in the Plan referred to in said Petition, be and hereby is confirmed to the said Samuel Rice his Heirs and assigns forever; provided the Land described does not exceed the quantity of the Grant therein referred to, and does not interfere with any former Grant. [*Passed April 10.*]

## CHAPTER 55.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

*Resolved* That no Person who shall be chosen by this Court into the Office of Treasurer and Receiver General for this Province for the present Year, shall be esteemed duly qualified to enter upon the Execution of that Office, until he shall first have an Oath adminstred to him for his faithful Performance of his said Office; and shall give Bond with sufficient Sureties to the Acceptance of a Committee appointed by this Court for that Purpose, in the Sum of Fifty Thousand pounds Lawful money, to the three eldest Councillors in the Province for the Time being, who are hereby appointed a Committee in behalf of the Province, and especially authorized for this Purpose; which Bond shall be conditioned for such Treasurer's truly and faithfully discharging the Duty of his Office according to Law, and for his rendering an Account when and so often as he shall be required by the General Court, of all such Sum or Sums of money as he shall from Time to Time receive into the Treasury, and for his well and truly paying to his Successor in said Office, or to any other Person that may be appointed by the General Court to receive the same, all such Sum or Sums of money as upon such Settlement of his said Accounts, or otherwise shall be found due, and payable from him to this Province; provided that the said Bond be put in Suit within Three Years next after the Date hereof; otherwise to

Legislative  
Records of the  
Council,  
xxviii., 455.  
Mass.  
Archives, civ.,  
586.

House Jour-  
nal, p. 204.  
*Ante*, p. 463.  
*Infra*, chap. 56.

be void and of no Effect: And that Mr Hancock and Capt Heath with such as the honorable Board shall join be a Committee to judge of the Sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid. [*Passed April 11.*]

## CHAPTER 56.

### VOTE CHOOSING HARRISON GRAY PROVINCE TREASURER.

Legislative  
Records of the  
Council,  
xxviii., 456.  
House Jour-  
nal, p. 204.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year, and first of a Treasurer & Receiver General for the Province, when Harrison Gray Esq<sup>r</sup> was chosen by a major vote of the Council and House of Representatives. [*Passed April 11.*]

## CHAPTER 57.

### VOTE CHOOSING JAMES RUSSELL COMMISSIONER OF IMPOST.

Legislative  
Records of the  
Council,  
xxviii., 456.  
House Jour-  
nal, p. 204.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year, when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major Vote of the Council and House of Representatives. [*Passed April 11.*]

## CHAPTER 58

### VOTE CHOOSING NOTARIES PUBLIC.

Legislative  
Records of the  
Council,  
xxviii., 457.  
House Jour-  
nal, p. 205.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present year, when the undermentioned Persons were chosen Public Notaries by a major vote of the Council and House of Representatives.

Suffolk	For the Port of Boston . . . . .	{ Mr Dudson Kilcup Mr Henry Alline jun <sup>r</sup>
Essex	{ Salem . . . . .	John Nutting Esq <sup>r</sup>
	{ Ipswich . . . . .	Mr Samuel Sawyer
	{ Marblehead . . . . .	Mr Thomas King
	{ Newbury . . . . .	William Atkins Esq <sup>r</sup>
Middlesex	Gloicester . . . . .	Daniel Witham Esq <sup>r</sup>
Plymouth	Charlestown . . . . .	Mr Nathaniel Gorham
Barnstable	Plymouth . . . . .	Mr Ephraim Spooner
	{ Barnstable . . . . .	Solomon Otis Esq <sup>r</sup>
	{ Falmouth . . . . .	Mr Joseph Parker
Bristol . . . . .		{ Jerathmeel Bowers Esq <sup>r</sup> Elisha Tobey Esq <sup>r</sup>
Dukes County	Edgartown . . . . .	Mr John Pease jun <sup>r</sup>
Nantucket		Mr Stephen Hussey
York	{ York . . . . .	Thomas Bragdon Esq <sup>r</sup>
	{ Kittery . . . . .	Charles Chauncey Esq <sup>r</sup>
	{ Wells . . . . .	John Wheelwright Esq <sup>r</sup>
Cumberland	Falmouth . . . . .	Mr Jonathan Webb
Lincoln . . . . .		Mr Thomas Moulton

[*Passed April 11.*]



## CHAPTER 59.

RESOLVE IMPOWERING REBECCA PATTERSON, ADM<sup>x</sup>, TO MAKE AN EXCHANGE OF REAL ESTATE UNDER CERTAIN CONDITIONS.

A PETITION of Rebecca Patterson of Salem in the County of Essex Widow of William Patterson late of said Salem deceased and administratrix of his Estate Setting forth That at the Inferior Court of Common pleas held at Salem in Decem<sup>r</sup> last, she obtained leave to sell of the Real Estate of the said deceased to the amount of ninety pounds for the payment of his just debts That she hath already sold of said Estate to the amount of Sixty six pounds thirteen shillings & four pence That the residue of the said deceaseds Real Estate consists of a dwelling House and about thirty poles of Land in said Salem adjoining to the Land of Jonathan Andrew which is very much out of Repair; part whereof cannot be sold without spoiling the remainder That Jonathan Andrew before-named has a convenient & comfortable dwelling House in said Salem with Land about it which he is willing to exchange for the residue of the Real Estate aforesaid, and also to pay her the Sum of Twenty three pounds six shillings and eight pence, which with the above Sum of Sixty six pounds thirteen shillings & four pence will enable her to pay the said deceaseds debts. And praying that she may be empowered to make such Exchange.

Legislative  
Records of the  
Council,  
xxviii., 457.

House Jour-  
nal, pp. 191, 207.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and she hereby is empowered in her said capacity, to make the exchange of the said Intestates Real Estate abovementioned with the said Jonathan Andrew upon the terms and conditions abovesaid, and to make and execute a good and sufficient Deed of the same unto the said Jonathan Andrew; provided the said Jonathan Andrew shall pay unto the said Rebecca the Petitioner the Sum of Twenty three pounds, six shillings and eight pence lawful money which she shall apply to the payment & discharge of the just debts of the said deceased and be accountable for the same in like manner as for the other Sums already by her received by the sale of the other part of the said Intestates Real Estate which she has sold by virtue of the Order of the said Inferior Court abovementioned and provided the said Jonathan Andrew shall also make & execute a good and legal conveyance unto the Heirs of the said William Patterson deceased of his the said Jonathan's dwelling house aforementioned together with such a quantity of Land adjoining thereto as shall (together with the aforesaid Sum of twenty three pounds six shillings & eight pence) be judged a suitable equivalent for the said Intestates House and Land aforesaid by such indifferent and judicious persons as shall be mutually chosen by the said Jonathan and the Petitioner; to be held and enjoyed by the said Heirs in such manner and proportion as by Law they would have held and enjoyed the same, had the said William, the Intestate, died siezed thereof. [*Passed April 12.*]

## CHAPTER 60.

RESOLVE ALLOWING £2. 5 TO MARY COMECHO AND 18/8 TO REV<sup>d</sup> STEPHEN BADGER.

Legislative  
Records of the  
Council,  
xxviii., 459.  
Mass.  
Archives,  
xxxiii., 530.

Mass.  
Archives,  
xxxiii., 529.  
Executive  
Records of the  
Council, xvi.,  
542. House  
Journal, p. 205.  
*Ante*, p. 483,  
chap. 37.

A PETITION of Stephen Badger of Natick Clerk in behalf of Sarah Comecho Setting forth That the said Sarah Boarded & nursed Sarah Wompsquam an aged Indian Woman, who had for some time passed been supported at the charge of the Province, from the 9<sup>th</sup> day of November last to the beginning of January last at which time she died. And praying that the said Sarah Comecho may be allowed therefor, and that the Petitioner may be reimbursed what he hath advanced for the Funeral of the deceased.

Read &

*Ordered* that there be allowd & paid out of the publick Treasury to the Rev<sup>d</sup> Mr Stephen Badger of Natick the Sum of two pounds five shillings for the Use of Mary<sup>1</sup> Comecho an Indian for her Expence in taking Care of one Sarah Wamsquam an Indian during her last Sickness and also the Sum of Eighteen Shillings & Eight pence to the said Stephen Badger for his own Use in Consideration of his Expence in the Interment of the said Sarah. [*Passed* \* *April 12.*]

## CHAPTER 61.

RESOLVE IMPOWERING MARY SMITH TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xxviii., 459.  
House Jour-  
nal, pp. 191, 192,  
206, 207.

A PETITION of Mary Smith Widow of Samuel Smith late of Hatfield deceased Setting forth That the said deceased in his life time, to wit, on the 27 day of July 1753 by Bond obliged himself to convey to Silas Pratt living at Fort Massachusetts, the House Lot N<sup>o</sup> 52 in the Township of Hoosuck and one hundred acres of the after draughts belonging to the said Lot or Right to be in a division with the said Smith in the after draughts, except only the meadow lot which was wholly reserved to the said Smith, upon his the said Pratts performing certain conditions, which he hath since well and truly done and performed That the said Samuel died without making the said conveyance or empowering any Person so to do and praying that she may be empowered to make the said conveyance according to the Condition of the Bond aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the said Mary be and she hereby is fully authorized and empowered to make and execute a good & sufficient Deed in the Law of the Lands mentioned above, which by the said Samuel in his said Bond were covenanted to be conveyed on the Conditions therein expressed, unto the said Silas Pratt and his Heirs and assigns forever; which said Deed shall be good and valid to all intents and purposes, as if made and executed by the said Samuel in his life time. [*Passed April 12.*]

<sup>1</sup> *Sic*, but Sarah *supra*.

## CHAPTER 62.

## RESOLVE WITH NOTICE AND STAY OF PROCEEDINGS ON PETITION OF CERTAIN PROPRIETORS OF ASHFIELD FOR RELIEF IN REGARD TO TAXES.

A PETITION of Benjamin Beal and others Proprietors of Lands in Ashfield in the County of Hampshire Setting forth That a number of the Proprietors of the said Ashfield unknown to the Petitioners applied to the General Court and, in the eighth year of his Majesty's Reign obtained an act to empower the s<sup>d</sup> Proprietors to raise monies for sundry uses in said act mentioned; by virtue of which, large Sums of money have been assessed on the Lands in said Town, which have been paid by the Proprietors, or their Lands sold for that purpose That the Petitioners apprehend this way of raising and collecting monies is attended with great expence and much wrong thereby oft-times done to the poor, the Widow & the Fatherless. And inasmuch as the said Proprietors have paid within eight or ten years past about fifteen hundred pounds lawful Money Praying that they may be relieved.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioners notify the Proprietors of Ashfield of this Petition by leaving with the Clerk of said Proprietors an attested Copy of this Petition that they shew cause, if any they have on the second Wednesday of the next Session of the General Court why the prayer thereof should not be granted, and that all proceedings in consequence of the Law of this Province in the Petition mentioned be staid in the mean time; the Copy above referred to, be left with the Clerk of the said Proprietors thirty days at least before the said second Wednesday of the next Session of the General Court. [*Passed April 12.*]

Legislative  
Records of the  
Council,  
xxviii., 461.

Legislative  
Records of the  
Council,  
xxvi., 489;  
xxvii., 32.  
House Jour-  
nal, p. 209.  
Province  
Laws, iv., 1015,  
chap. 5; 1038-  
1046, notes.  
*Ante*, p. 450,  
chap. 159.

## CHAPTER 63.

## ORDER IMPOWERING THE JUDGE OF PROBATE FOR MIDDLESEX COUNTY TO ASSIGN CERTAIN REAL ESTATE TO AMASA CRANSTON AND MAKING PROVISION IN REGARD TO THE SAME.

A PETITION of David Sanderson of Petersham, John Stowell of said Petersham and Amasa Cranston of Marlborough Setting forth That Benjamin Whitney late of Boston deceased by Will devised his Lands in s<sup>d</sup> Marlborough and elsewhere, in certain proportions, to his Children, namely Solomon, Sarah, Dinah, Job, Abigail, Benjamin, George, Samuel & Anne That Abigail the Widow of the deceased entered into one third part of said Lands in virtue of her right of Dower and she is lately deceased and the Dower hath reverted That the aforementioned Solomon purchased Sarah's Right of reversion of the Widows dower and also Job's, and that the Petitioner Amasa Cranston hath purchased the Rights of reversion of the said Dower of all the other Children afores<sup>d</sup> That the aforementioned Solomon is now deceased Intestate and hath left four Children, minors, namely Benjamin and Job for whom the Petitioner

Legislative  
Records of the  
Council,  
xxviii., 462.

House Jour-  
nal, pp. 203, 215,  
216. Province  
Laws, ii., 151,  
chap. 10.

David Sanderson is Guardian & Miriam & Sarah for whom the Petitioner John Stowell is Guardian That the Land which hath come to Solomon's Infant Children by reversion of the Widows Dower as aforesaid cannot be divided amongst them without great expence & prejudice to the Estate. And praying that the Judge of Probate for the County of Middlesex may be impowered to settle the same on the aforesaid Amasa Cranston; he paying to the aforementioned Guardians for the use of their Wards such sums of money as the said Judge of Probate shall assign according to Law.

Read and

*Ordered* that the prayer of this Petition be granted, and that the Judge of Probate for Middlesex be and he is hereby impowered to assign and set over unto the Petitioner Amasa Cranston his Heirs and assigns forever, that part of the Real Estate of Benjamin Whitney beforenamed deceased (which upon the reversion of the Dower set off to his Widow since deceased came to his the said Benjamin's Son Solomon who is also deceased) He the said Amasa giving sufficient security to the said Judge for the payment to the Guardians of the Children of the said Solomon, such Children's respective proportions of the real value of such Estate as the same shall be apprized by three discreet & disinterested Persons to be appointed & Sworn by the said Judge for that purpose as usual in the settlement of the Real Estates of Intestates. [*Passed April 13.*]

## CHAPTER 64.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £107,855. 12. 8.

Legislative  
Records of the  
Council,  
xxviii., 463.  
Mass.  
Archives, civ.,  
579.

Mass.  
Archives, civ.,  
578. Legisla-  
tive Records of  
the Council,  
xxviii., 371.  
House Jour-  
nal, pp. 148, 157,  
188.

THE COMMITTEE appointed to repair to the Treasurers and take an account of the Government Securities and see them burnt and consumed to ashes have attended that Service and have received of Mr Treasurer Gray Government Securities payable in June 1765 Eighty five pounds; the Interest paid thereon Six pounds, thirteen shillings and six pence making ninety one pounds, thirteen shillings and six pence. Also Government Securities payable in 1766 Six hundred and fifty pounds, the Interest paid thereon Forty two pounds, five shillings and eight pence, making Six hundred, ninety two pounds, five shillings and eight pence; also Government Securities payable in June 1767 nine hundred pounds, the Interest paid thereon fifty two pounds, ten shillings, making nine hundred fifty two pounds, ten shillings; also Government Securities payable in June 1768 Six pounds, the Interest paid thereon six shillings, making Six pounds six shillings; also Government Securities payable in June 1769 nine hundred & two pounds, the Interest paid thereon forty six pounds, seven shillings making nine hundred forty eight pounds, seven shillings; also Government Securities payable in June 1770 One hundred thousand pounds the Interest paid thereon five thousand, one hundred sixty four pounds ten shillings and six pence, making One hundred and five thousand one hundred sixty four pounds ten shillings and six pence; all which Securities amount to, with the Interest included, One hundred and seven thousand,

eight hundred and fifty five pounds, twelve shillings & eight pence, which we have seen burnt and consumed to ashes.

THO<sup>s</sup> HUBBARD p Order

Read & accepted &

*Orderd* that the Treasurer be & hereby is dischargd of the said Sum of One hundred & Seven thousand Eight hundred & fifty five pounds twelve shillings and Eight pence. [*Passed April 15.*]

## CHAPTER 65.

### RESOLVE ALLOWING £800 TO THE JUSTICES.

*Resolved.* That the Sum of Eight hundred pounds be granted and allowed out of the Public Treasury to the Honourable the Justices of the Superior Court of Judicature, Court of Assize & General goal Delivery, for the faithfull discharge of their Trust, for one year, Ending the first Day of January last. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 464.  
Mass.  
Archives, xlii., 715.

House Jour-  
nal, p. 207.

## CHAPTER 66.

### RESOLVE ALLOWING £175 TO THE LATE SECRETARY.

*Resolved* that the Sum of One hundred and Seventy five pounds be allowd & paid out of the publick Treasury to the Hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> late Secretary of this Province in full for his Services ordinary & extraordinary to the tenth day of March last. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 465.  
Mass.  
Archives, l., 414.

House Jour-  
nal, p. 207.

## CHAPTER 67.

### RESOLVE ALLOWING £267 TO THE TREASURER.

*Resolved,* That the Sum of Two Hundred and Sixty Seven Pounds be granted and allowed to be paid out of the publick Treasury to the Honorable Harrison Gray, Esq<sup>r</sup> Treasurer and Receiver General of His Majesty's Revenues of this Province for one Year's Service, ending the twenty third Day of December last. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 465.  
Mass.  
Archives, cli., 588.

House Jour-  
nal, p. 208.

## CHAPTER 68.

### RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

In the House of Representatives

*Resolved,* That there be granted and allowed to be paid out of the publick Treasury the sum of Four Shillings per Diem, to the honorable Thomas Cushing Esq<sup>r</sup> Speaker of this House, for every Day of his Attendance in the General Court, from the opening of

Legislative  
Records of the  
Council,  
xxviii., 465.  
Mass.  
Archives, li., 411.

House Journal, p. 208.

the Session on the thirtieth Day of May, 1770: over and above his Pay as a member of this House.

In Council Read & Concurr'd. [*Passed April 15.*]

## CHAPTER 69.

### RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

In the House of Representatives

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury the Sum of Ninety pounds to M<sup>r</sup> Samuel Adams, for his Service as Clerk of this House during the several Sessions of the General Court in the current year.

In Council Read and Concurred. [*Passed April 15.*]

Legislative Records of the Council, xxviii., 465. Mass. Archives, 1., 413.

House Journal, p. 208.

## CHAPTER 70.

### RESOLVE ALLOWING £12 TO THE CHAPLAIN OF THE TWO HOUSES.

*Resolved* that the sum of Twelve pounds be allowed and paid out of the Public Treasury to the Rev<sup>d</sup> M<sup>r</sup> Nathaniel Appleton for his Services as Chaplain to the two Houses of the General Assembly during the several Sessions of the General Court in the current year. [*Passed April 15.*]

Legislative Records of the Council, xxviii., 465.

House Journal, p. 208.

## CHAPTER 71.

### RESOLVE ALLOWING £110 TO THE DOORKEEPER.

*Resolved*, That there be allowed and paid out of the publick Treasury to M<sup>r</sup> William Baker, Doorkeeper to his Excellency &c. the Sum of one hundred and ten pounds for his Services for one Year, ending the of May<sup>1</sup> next. [*Passed April 15.*]

Legislative Records of the Council, xxviii., 466. Mass. Archives, 1., 412.

House Journal, p. 209.

## CHAPTER 72.

### RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

*Resolved* That the Sum of Two hundred pounds be granted & allowed to be paid out of the Public Treasury to the Reverend M<sup>r</sup> Samuel Locke President of Harvard Colledge, over and above the rents of Massachusetts Hall, for his Services for one year, commencing the 21 March last to be paid Quarterly. [*Passed April 15.*]

Legislative Records of the Council, xxviii., 466. Mass. Archives, 1., 412.

House Journal, p. 207.

<sup>1</sup> The day does not appear.



## CHAPTER 73.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge, the Sum of One hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him for one year, ending the 25 day of January last. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 466.  
House Jour-  
nal, p. 208.

## CHAPTER 74.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICKS AT HARVARD COLLEGE.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury, to John Winthrop, Esq<sup>r</sup> Hollisian Professor of Mathematicks and Natural Philosophy at Harvard-College in Cambridge, the Sum of One hundred pounds as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, for one year ending the thirteenth Day of January last. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 466.  
Mass.  
Archives,  
lviii., 585.  
House Jour-  
nal, p. 208.

## CHAPTER 75.

## RESOLVE ALLOWING £40 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

*Resolved* that there be granted & allowed to be paid out of the public Treasury to M<sup>r</sup> Stephen Sewall, Hancock Professor of the Hebrew and other Oriental Languages at Harvard College in Cambridge, the Sum of forty pounds as a Gratuity in consideration of his faithful discharge of the great & important trust reposed in him the last year. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 466.  
Mass.  
Archives,  
xviii., 467.  
House Jour-  
nal, p. 208.

## CHAPTER 76.

VOTE ACCEPTING REPORT OF Y<sup>E</sup> COM<sup>TEE</sup> APPOINTED TO SELL AN ISLAND IN CONNECTICUT RIVER.

THE COMMITTEE appointed the 10<sup>th</sup> day of November last to make sale of an Island in Connecticut River belonging to the Province, made the following Report viz<sup>t</sup>

Pursuant to the foregoing Order, upon timely and public notice given of the time and place of sale, we have sold the said Island at Public Vendue to Solomon Stoddard Esq<sup>r</sup> who was the highest bidder, for the Sum of One hundred pounds lawful money and have given

Legislative  
Records of the  
Council,  
xxviii., 467.  
Mass.  
Archives,  
xvi., 587.  
Mass.  
Archives,  
xvi., 585.

House Journal, pp. 147, 212.  
Province Laws, v., 147,  
note. *Ante*,  
p. 481, chap. 33.

him a Deed of the same in due form of Law as directed, and have taken good security, upon lawful Interest, payable to the Treasurer of this Province within one year for the Sum of ninety seven pounds lawful Money being part of the said Sum for which the said Island was sold, and have delivered the same to the Treasurer, together with the three pounds earnest money received of the purchaser at the time of the sale.

JOHN WORTHINGTON *p* Order

Read & accepted & it appears the Committee have faithfully discharged the trust reposed in them. [*Passed April 15.*]

## CHAPTER 77.

RESOLVE DIRECTING THE PROVINCE TREASURER TO DELIVER TO JOHN WORTHINGTON THE PRODUCE OF THE SALE OF AN ISLAND IN CONNECTICUT RIVER.

Legislative Records of the Council, xxviii., 467.  
Mass. Archives, cxxi., 487.

Mass. Archives, cxxi., 486.  
House Journal, pp. 212, 213.  
Province Laws, v., 148,  
note. *Supra*, chap. 76.

A PETITION of John Worthington Esq<sup>r</sup> and others of the County of Hampshire Setting forth That the said County is burdened with the expence of seven or eight Bridges, the most of which are not only necessary for the Inhabitants of the said County but very necessary for the Province in general as they are in Roads as publicly and generally travelled as any in the Province at the like distance from the capital and as the Government have lately made the Sum of One hundred pounds by the sale of an Island in Connecticut River between the Towns of Northampton and Hadley which Island has arisen in the said River within the memory of Man wholly out of the loss of the said County Praying that the said Sum may be granted to the said County, the better to enable them to support the charge of maintaining the said Bridges.

Read and

*Resolved* that the Prayer of the within Petition be granted & that the Treasurer of the Province be, and hereby is directed to deliver over unto John Worthington Esq<sup>r</sup> the Security & money by him rec<sup>d</sup> as the Produce of the Sale of the Island within mentioned to be deliverd to y<sup>e</sup> treasurer of the County of Hampshire for Use of the s<sup>d</sup> County & for the Purposes in the Petition mentioned. [*Passed April 15.*]

## CHAPTER 78.

RESOLVE GRANTING £60 AND THE FURTHER SUM OF £16.10 TO JOHN THOMAS.

Legislative Records of the Council, xxviii., 468.

House Journal, pp. 210, 215.

A PETITION of John Thomas Esq<sup>r</sup> Setting forth That he hath taken the charge of and attended the Light House on the Gurnet at the entrance of Plymouth Harbour from the 14 day of Novem<sup>r</sup> 1769 to the 14 day of Novem<sup>r</sup> 1770 and has during that time supplied the Wood & Coal consumed at said Light house. And praying an allowance.

[Read and]

*Resolved* that there be granted & paid out of the Public Treasury unto John Thomas Esq<sup>r</sup> the Sum of Sixty pounds in full considera-

tion for his Services as Keeper of the Light house on the Gurnet for one year ending the 14 of November last, also the Sum of Sixteen pounds, ten shillings for Fire Wood and Coal expended at said Light house. [*Passed April 15.*]

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## CHAPTER 79.

### RESOLVE ALLOWING £8.6.4 TO THE SELECTMEN OF SHERBORN.

A PETITION of the Selectmen of the Town of Sherbourn in the County of Middlesex Praying that the said Town may be reimbursed the expence they were at in supporting one Sarah Wampsquam an aged Indian Woman who was taken sick in said Town in the year 1766

[Read and]

*Resolved* that there be Allowed and paid out of the Public Treasury, to the Selectmen of Sherbourn the Sum of Eight pounds Six Shillings and four pence, to reimburse the Money the Town of Sherbourn paid for Boarding Nursing & Doctring, one Sarah Wampsquam (an Aged Indian Woman not known to be an Inhabitant of any Town or District of this Province): twenty Six weeks next following the 2<sup>d</sup> Day of March A.D. 1766. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xxviii., 470.  
Mass.  
Archives,  
xxxiii., 528.

Mass.  
Archives,  
xxxiii., 527.  
House Jour-  
nal, pp. 198, 205.  
*Ante*, p. 494,  
chap. 60.

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## CHAPTER 80.

### RESOLVE CONFIRMING PROCEEDINGS AT THE MEETINGS IN THE DISTRICT OF HUBBARDSTON.

A PETITION of the Selectmen of the District of Hubbardston in the County of Worcester Setting forth That the Records of the said District have not been Signed & attested by the moderators of the meetings nor by the Clerks of the said District and that a great part of the Roads which have been laid out in the said District have not been Recorded; by reason whereof the proceedings of the said District at their several meetings are looked upon as invalid; and that if the said proceedings should be set aside, it will involve the said District in great difficulties. And praying that the same may be confirmed.

Read and

*Resolved* that the prayer of the foregoing Petition be so far granted as that all the doings and transactions of the said District of Hubbardston at their several meetings be and hereby are declared valid and effectual notwithstanding any omission or neglect of the Moderators of the several meetings in the said District in not attesting the Votes of the same, or the omission of the attestation of the Clerk of said District; and the Clerk for the time being is hereby empowered to Record the Surveys of the Roads laid out in said District, which shall be deemed as effectual as if the same had been done in Season. [*Passed April 16.*]

Legislative  
Records of the  
Council,  
xxviii., 471.

House Jour-  
nal, pp. 206, 219.  
Province  
Laws, iv., 963,  
chap. 2.

## CHAPTER 81.

RESOLVE ALLOWING £37. 1. 8 TO CAP<sup>t</sup> NATH<sup>l</sup> DWIGHT.

Legislative  
Records of the  
Council,  
xxvii., 472.

House Jour-  
nal, pp. 206, 215,  
219. *Ante*,  
p. 419, chap. 96.

*Resolved* that the Sum of thirty seven pounds, one shilling and eight pence be allowed and paid out of the Public Treasury to Cap<sup>t</sup> Nathaniel Dwight in full satisfaction for his expences in Surveying the Province Lands according to the within account. [*Passed April 16.*]

## CHAPTER 82.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £22. 8. 8 TO ROBERT BALLS.

Legislative  
Records of the  
Council,  
xxviii., 472.  
Mass.  
Archives,  
lxvi., 490.

Mass.  
Archives,  
lxvi., 489.  
House Jour-  
nal, pp. 195, 211.

A PETITION of Robert Balls Keeper of the Light house in the Harbour of Boston Setting forth That the 19<sup>th</sup> day of November last compleated the thirty seventh year of his keeping the said Light house That in October last he advanced £15.9.4 for twenty nine Cords of fire Wood for the benefit of the Light; soon after in a very high gale of Wind & Tide about twenty five Cords of the said Wood was carried way, which (being unable to recover) obliged him to advance the further Sum of £6.9.4 for eleven Cords of Wood for the said purpose and praying an allowance for his last years Service and the advancements aforementioned.

[Read and]

*Resolved* that the Sume of Sixty Pounds be allowed and Paid out of the Publick Treasury to Robert Ball for his Service as keeper of the Light House for one year Ending the 19<sup>th</sup> Day of November Last also the further Sume of Twenty two Pounds Eight Shillings and Eight Pence for Forty Cords of wood which he Provided all which was Expend<sup>d</sup> at Said Light House Except what was Carrid<sup>d</sup> off the Light House wharff by A violent gale of wind and high Tide. [*Passed April 16.*]

## CHAPTER 83.

RESOLVE IMPOWERING JAMES FAY, ADM<sup>s</sup>, TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xxviii., 475.

House Jour-  
nal, pp. 191, 213.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of James Fay of Hardwick in the County of Worces-  
ter administrator of the Estate of Paul Whipple late of said Hard-  
wick deceased Setting forth That the said Paul by his Bond dated  
the 23<sup>d</sup> day of March 1767 bound and obliged himself his Executors  
& adm<sup>s</sup> to make and execute a good Warranty Deed to one Nathan  
Bangs of said Hardwick of a certain piece of Land off of the north-  
erly end of the two hundred acre lot N<sup>o</sup> 8 lying and being in the  
northwesterly part of Hardwick to be taken off the whole width of  
said Lot allowing four Rods for a highway agreeable to the Proprie-  
tors Records of said Town of Hardwick extending Southerly so far  
as to contain fifty acres, upon condition of said Nathans paying  
the Sums of money & Interest mentioned in the Condition of said

Bond That part of said money is not payable 'till June 1772 but the said Nathan is now ready to pay the whole provided he may now have a Deed of the said Land That it would be greatly to the benefit of said Paul's Estate if a Deed of said Land could be given and the money obtained: and praying that he may be impowered to make and execute to the said Nathan Bangs a Deed thereof accordingly.

Read and

*Resolved* that the prayer of the annexed Petition be granted, and that the said James Fay be and he hereby is fully authorized and impowered to make and execute a good and sufficient Deed in the Law of the Land mentioned therein (which by the said Paul Whipple in his Bond to the said Nathan Bangs was covenanted to be conveyed on the Conditions in the said Bond expressed) unto the said Nathan Bangs and his Heirs and assigns forever, which said Deed shall be good and valid to all intents and purposes as if made and executed by the said Paul in his life time. [*Passed April 17.*]

## CHAPTER 84.

### RESOLVE ALLOWING £39 TO CERTAIN JUSTICES.

A MEMORIAL of Peter Oliver Esq<sup>r</sup> one of his majesty's Justices of the Superior Court Setting forth That he together with the late Chief Justice and Edmund Trowbridge Esq<sup>r</sup> another of the Justices of said Court were appointed in April 1768 by the Governor and Council to proceed to Nantucket on the trial of one Nathan Quibbit an Indian man for murder; which Service they performed That he was at considerable expence of time, trouble and charge in performing said Service and praying an allowance.

Read and

*Resolved* that there be allowd and paid out of the Province Treasury in equal Shares to the Honorable Peter Oliver Esq<sup>r</sup> & the two other Justices of His Majestys Superior Court of Judicature mentioned in his Petition the Sum of Thirty Nine Pounds in full for their extraordinary Services therein set forth. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xxviii., 477.  
Mass.  
Archives,  
xlii., 713.  
Mass.  
Archives,  
xlii., 712.  
House Jour-  
nal, pp. 214, 222.

## CHAPTER 85.

### ORDER ESTABLISHING THE LINE BETWEEN TAUNTON & MIDDLEBOROUGH.

*Ordered* that the Line between the Towns of Taunton & Middleborough be as follows viz' to begin at a maple Tree with a heap of Stones about it by the side of Assonet River and from thence to run a strait line to a Stone pitched in the ground by the side of the Road; then on the said Road, as now used to baiting Brook; and from baiting Brook on a strait line to a Pine stump with a heap of Stones about it on the East side of Wigwam Swamp, and from thence to an apple Tree near Meermeed (alias Trout Brook) standing on the spot where a black Oak tree marked with T, on one side, and M, on the other formerly stood; nevertheless this Report not to affect private property. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xxviii., 479.  
Legislative  
Records of the  
Council,  
xxviii., 338.  
House Jour-  
nal, pp. 130, 131,  
226. *Ante*,  
p. 404, chap. 67.

## CHAPTER 86.

## RESOLVE ALLOWING £5. 14 TO THE COMMITTEE ON TAUNTON LINE.

Legislative  
Records of the  
Council,  
xxviii., 479.

House Jour-  
nal, p. 226.  
*Supra*, chap.  
85.

THE COMMITTEE [on the line between Taunton and Middleborough, *supra*, chap. 85] at the same time laid before the Court an account of their time and expences in the above affair; upon which the following Order passed viz<sup>t</sup>

Read and

*Resolved* that the Sum of five pounds, fourteen shillings be allowed and paid out of the public Treasury to the said Committee and that the said Sum be laid on the Town of Taunton in the next Tax act. [*Passed April 19.*]

## CHAPTER 87.

## RESOLVE ALLOWING £31. 15. 2 TO WILLIAM CLARK.

Legislative  
Records of the  
Council,  
xxviii., 480.

House Jour-  
nal, pp. 129, 201,  
223. Province  
Laws, iv., 576,  
chap. 6.

A PETITION of William Clark of Boston Setting forth That he was possessed of sundry Treasurers notes payable the 20<sup>th</sup> June 1763 amounting to £804 with lawful Interest until that time That about the 28 June 1763, and never 'till then, he was informed that an Order had passed the General Court that all such notes should be brought to the Treasurer to be exchanged before the 31<sup>st</sup> of October 1762 on penalty of losing the Interest after that time and that upon his presenting the said notes to the Treasurer to be exchanged he declined paying Interest for any longer time and inasmuch as several Persons in like circumstances have been relieved by this Court Praying that he may be allowed the Interest deficient on the notes aforesaid.

Read and

*Resolved* that the prayer of the Petition be granted, and that there be paid out of the Province Treasury to the Petitioner thirty one pounds, fifteen shillings and two pence in full for the deficient Interest mentioned in said Petition. [*Passed April 19.*]

## CHAPTER 88.

## RESOLVE IMPOWERING THE GUARDIANS OF THE INDIANS AT GRAFTON TO HEAR AND DECIDE CERTAIN QUESTIONS IN REGARD TO THE MEETING HOUSE THERE.

Legislative  
Records of the  
Council,  
xxviii., 481.  
Mass.  
Archives,  
xxxiii., 535<sup>a</sup>.

Mass.  
Archives,  
xxxiii., 535.  
House Jour-  
nal, pp. 193, 198,  
202, 225, 229.  
Province  
Laws, xii., 689,  
chap. 45.

A PETITION of Ephraim Shearman in behalf of the Town of Grafton Setting forth That a number of Persons by leave of the General Court purchased their Lands there, of the Indians That the General Court ordered in the year 1740 that in the meeting House which was built by the Proprietors in said Grafton there should be Seats reserved for the Indians, (who were at that time numerous) which were reserved accordingly. That since that time the Indians have greatly decreased; and the Inhabitants are now so numerous that they must enlarge the meeting House without they can be accomodated with such part of the Room reserved as



aforesaid as the Indians shall have no occasion for. And praying that the Town may be allowed such room accordingly, and that the Guardians of the said Indians may be directed to see Justice done them in the affair.

Read & accepted & thereupon

*Resolved* that the Prayer of the Petition of the Town of Grafton signed Ephraim Shearman be so far granted, as that the Guardians of the Hassanamisco Indians be & hereby are Directed & impowred to repair to the meeting house in Grafton at the charge of s<sup>d</sup> Town: notify s<sup>d</sup> Indians, hear what they may have to object and if it shall appear to s<sup>d</sup> Guardians that the Town of Grafton may be accomodated, with some part of the room in s<sup>d</sup> House that in the year 1740 was by the General Court assigned s<sup>d</sup> Indians without any prejudice to Them That then s<sup>d</sup> Guardians assign & sett off for the use of s<sup>d</sup> Town such part of s<sup>d</sup> Room as they shall judge proper taking particular care to leave sufficient room for the accomodation of s<sup>d</sup> Indians This Resolve to be in force till the further order of this Court & no longer. [*Passed April 19.*]

## CHAPTER 89.

RESOLVE IMPOWERING GUARDIANS TO JOIN WITH HEIRS IN SALE OF LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jotham Bennet, Jacob Bennit and Thomas Bennit Sons of John Bennit late of Lancaster deceased; and of the Guardians of the Children of Nathan Bennit deceased and Elisha Bennet deceased two other Sons of the said John Setting forth That the said John Bennit by Will, after sundry devises, devised all the residue of his Estate, his just debts being first paid, to his Executor to be sold, and the proceeds thereof to be equally divided between his five Sons beforenamed That the said Testator appointed his Son Elisha Executor of his said Will, who died without making Sale of the said Estate That the residue devised as aforesaid consists chiefly of Lands, which cannot be divided without great prejudice thereto. And praying that the said Guardians may be impowred to join with the said Jotham, Jacob, Thomas, and Joseph Daby jun<sup>r</sup> and Wife (who is a daughter of the said Nathan Bennit) in making Sale of the residue aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the said Guardians be and they accordingly are hereby fully impowred to join with the other Heirs in the foregoing Petition mentioned in the sale of the residue of the Lands devised in said Will, and the Deed or Deeds by the said Guardians executed shall be as good to all intents for the conveying the parts or shares therein to the said minors belonging as if they were of full age and executed the same themselves; provided always that the said Guardians shall give sufficient security to the Judge of Probate for the County of Worcester that that part of the proceeds of such sale which will of right accrue to their respective Wards shall be paid to them or their legal Representatives with the lawful Interest thereof arising after such sale, in such proportion as they could hold and enjoy their part of the Lands by the Will of the Testator, when they respectively arrive at the age of twenty one years. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xxviii., 486.

House Jour-  
nal, pp. 203, 213,  
214.

## CHAPTER 90.

ORDER APPOINTING A COMMITTEE ON MINISTERIAL AFFAIRS AT  
DIGHTON.

Legislative  
Records of the  
Council,  
xxviii., 349,  
474.

House Jour-  
nal, pp. 140, 223,  
225, 234. *Ante*,  
p. 409, chap. 76.

A PETITION of Sylves<sup>r</sup> Richmond Esq<sup>r</sup> and others of Dighton Setting forth That upwards of two years ago the meeting House in said Town in the Night time was set on fire by some evil minded persons which consumed the same, and that ever since there have been violent parties in the said Town and the peace thereof thereby greatly disturbd

That by unfair and unlawful means a Vote has been procured for building a new meeting House (in a place very disagreeable to the Petitioners) and also to provide an assistant to the aged Pastor, without his or the Church's consent or approbation That the Petitioners having determined never to assemble with those persons and the assistant they have procured they (the Petitioners) have built by subscription a House for Public Worship, and have ever since the former meeting House was consumed been at the expence of hiring Preaching among them; notwithstanding which the Petitioners have been Taxed and obliged to pay large Sums towards Building the meeting House and paying the assistant aforementioned. And Praying Relief. Also a memorial of Ezra Richmond Esq<sup>r</sup> and others representing that they are under the same circumstances as the said Sylvester Richmond and others, and praying relief.

In Council, Read together with the answer and

*Ordered* that William Brattle Esq<sup>r</sup> with such as shall be joined by the hon<sup>ble</sup> House be a Committee to repair to the Town of Dighton in the recess of the Court, hear the parties and make Report at the next Session of the General Court what they think proper this Court should do thereon; and the Constables or Collectors in said Town of Dighton are hereby directed not to make any distress or distresses on any of the Petitioners in the mean time. In the House of Representatives. Read and Concurred and Cap<sup>t</sup> Heath and Cap<sup>t</sup> Dix are joined. [*Passed April 20.*<sup>1</sup>

## CHAPTER 91.

## RESOLVE GRANTING £150 TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xxviii., 482.  
Mass.  
Archives,  
lxxx., 679.

House Jour-  
nal, pp. 144, 228.

*Resolved* that the Sum of One hundred & fifty pounds be granted and allowed to be paid out of the Public Treasury to Edward Sheaffe Esq<sup>r</sup> Commissary General in Consideration of His Services for the year Ending the 26 Day of April Current. [*Passed April 20.*

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is April 17.

## CHAPTER 92.

## RESOLVE ALLOWING £3.12 TO THE TOWN OF ROWLEY.

A PETITION of the Selectmen of Rowley Setting forth That in the Evening of the 22<sup>d</sup> day of June last one Mary Patterson came to the House of M<sup>r</sup> Jewet an Inholder in said Town and desired a lodging for that night; said she came from Machias and that her Husband had lately died at Sea, leaving her poor, with three Children; That in the night time she was delivered of a dead Child; That the Petitioners thereupon desired M<sup>r</sup> Jewet to provide for her as her circumstances required, which he did, about eighteen days, part of which time he was obliged to employ a Physician and inasmuch as they cannot find that she had gained a settlement in any Town of the Province Praying that they may be reimbursed the expences they have been at in her support.

Read and thereupon

*Resolved* that there be paid out of the Public Treasury the Sum of three pounds, twelve shillings to Humphrey Hobson Esq<sup>r</sup> of Rowley for the use of the said Town in full for the expences they have been at in supporting, nursing and Doctoring Mary Patterson a transcient person eighteen days, in her sickness, and Funeral charges for her Child. [*Passed April 20.*]

Legislative  
Records of the  
Council,  
xxviii., 482.

House Jour-  
nal, pp. 220, 228.

## CHAPTER 93.

## RESOLVE CONFIRMING A PLAN OF 520 ACRES OF EQUIVALENT LAND TO EDWARD WOODMAN.

A PLAN of a Tract of Land was laid before the Court taken by James Warren jun<sup>r</sup> Surveyor to satisfy a Grant of five hundred acres of unappropriated Lands granted by the General Court in June 1766 to Edward Woodman bounded as follows viz<sup>t</sup> begining at a maple Tree marked **E W** standing twenty two poles East by north from the first Falls above the mouth of the East branch of Salmon falls River at said River; and from said Tree running South East by South three hundred and thirty five poles; thence South West by West two hundred and eighty poles; thence north West by north two hundred and twenty five poles to said River, and by said River to the begining; which bounds include five hundred and twenty acres; the twenty acres allowed for Heath &c lying within the same.

Upon which the following Order passed viz<sup>t</sup>

*Resolved* that the within Plan of five hundred and twenty acres of Land delineated and described as within be accepted and hereby granted and confirmed unto Edward Woodman his Heirs and assigns in full satisfaction for the loss of Lands the said Edward sustained by the running of the line of the Province of New Hampshire as set forth in his Petition to this Court dated January 17<sup>th</sup> 1765; provided that it doth not exceed the aforesaid quantity of Land nor interfere with any former Grant. [*Passed April 20.*]

Legislative  
Records of the  
Council,  
xxviii., 483.

Legislative  
Records of the  
Council,  
xxvi., 132.  
House Jour-  
nal, pp. 226, 228.  
*Ante*, p. 122,  
chap. 16.

## CHAPTER 94.

RESOLVE ALLOWING £25 TO JN<sup>o</sup> GREATON, JUN<sup>r</sup>.

Legislative  
Records of the  
Council,  
xxviii., 484.  
Mass.  
Archives, civ.,  
582.

Mass.  
Archives, civ.,  
580. House  
Journal,  
pp. 225, 227.  
Province  
Laws, iii., 499,  
chap. 22; iv.,  
370, chap. 5; v.,  
87, chap. 6.

A PETITION of John Greateon jun<sup>r</sup> of Roxbury Setting forth That on the 4 day of July last he made Information to Joseph Williams Esq<sup>r</sup> a Justice of the peace for the County of Suffolk against one William Marshall of Walpole charging him with the offence of forging the current Coin of this Province, who was thereupon committed to Goal and hath since been convicted and received Sentence therefor That the Petitioner made application to the Council for the Sum of Twenty five pounds which he apprehended was justly due to him by Law as a Reward for making the Information aforesaid; but the Law having expired about four days before he made the said Information (tho' afterwards revived and continued) the Council thought they could not legally order the Treasurer to pay him the said Sum That he hath been at considerable expence, in Travel and otherwise, in prosecuting the said Marshall and praying that he may be allowed the abovementioned Reward; the expiration of the Law notwithstanding.

Read and

*Resolved* that there be paid out of the publick Treasurey to the petitioner the Sum of Twenty five pounds in full Satisfaction, for detecting and Informing against one William marshall for uttering and passing a peice of Counterfiet Coin of which he was Convicted Sentanced and punished accordingly, as in the petition mentioned. [*Passed April 20.*]

## CHAPTER 95.

RESOLVE IMPOWERING LYDIA DEXTER, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 487.

House Jour-  
nal, pp. 222, 231,  
232. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Lydia Dexter Widow of Ebenezer Dexter late of Marlborough Physician deceased, and administratrix of his Estate Setting forth That the balance of the Personal Estate of the deceased is small and chiefly consists of desperate debts That the said deceaseds Real Estate consists of a Dwelling House and Barn and about twenty acres of Land lying in separate pieces in said Marlborough, the Income whereof is insufficient to support herself, or her Family, and also sundry Lots of Land lying in a new Township called Monadnock N<sup>o</sup> 5 in the Province of New-hampshire which the deceased held upon certain conditions That the dwelling House aforesaid is greatly out of Repair; and the Conditions are not yet performed upon which the deceased held the said Lots, by means whereof they will soon become forfeit, which it is not in her power to avoid That the said deceased left three Children, all Sons; the eldest of whom, the deceased designed should be a Physician and who is unwilling to pursue any other business, but there is not Personal Estate sufficient to qualify him therefor and praying that she may be impowered to make Sale of the Real Estate aforesaid for the benefit of the Heirs

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted,

and the Petitioner be and she accordingly is hereby fully impowered to make sale of the whole of the Real Estate of the deceased in her Petition mentioned for the most the same will fetch and make and execute a good and sufficient Deed or Deeds of the same, provided she observe the rules and directions of the Law relating to the sale of Real Estates by Executors and administrators and give sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said sale shall be first applied for payment of the debts of the deceased which are over and above what the Personal Estate is not sufficient to pay, saving to the Widow the use and improvement of the Interest of one third part of the whole during her natural life, and after the said third is deducted and the debts are paid, the residue shall be delivered into the hands of the Guardians to be put to Interest for the benefit of the Children of the deceased agreeable to the rules of distribution by Law appointed, and after the Widows decease the principal of the third reserved for her use shall be divided to and among the Heirs of her deceased Husband or their legal Representatives in such proportion as they could inherit by Law in case the said Land had not been sold. And further

*Resolved* that the Guardian for the said William Dexter may apply such part of the said William's share as will be necessary to Educate him for the practice of Physick; provided he shall do it by the advice & direction of the Judge of Probate; to whom he shall be accountable. [*Passed April 22.*]

## CHAPTER 96.

RESOLVE IMPOWERING JOHN BAKER, ADMINISTRATOR AND GUARDIAN, TO JOIN WITH AN HEIR IN THE SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Baker administrator of the Estate of George Griggs late of Brookline deceased Intestate and Guardian to Sarah Griggs and Abigail Griggs Minors and daughters of the said George, and of David Weld attorney to Susanna Griggs eldest daughter of the said deceased Setting forth That the said deceased died siezed of about four acres and three quarters of Land with one half of an old House and an old Baru thereon, under mortgage That the Buildings and Fences on said Estate are out of Repair, and there being no money to apply for that purpose, it is judged best for the Children of the said deceased, who are three daughters, one of whom is of age, that the said Estate should be sold and the money arising thereby, after the said mortgage is discharged, put out on Interest for their benefit. And praying that they may be impowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted that the Petitioner John Baker be and he accordingly is hereby fully impowered to join with Mary Griggs one of the Heirs to the within mentioned Estate, in the Sale of the same, and to make and execute a good and sufficient Deed or Deeds thereof; provided they pay the debts due on the Mortgage in the Petition mentioned, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to

Legislative  
Records of the  
Council,  
xxviii., 489.

House Jour-  
nal, pp. 191, 229.  
Province  
Laws, ii., 151,  
chap. 10.



the Judge of Probate for the County of Suffolk that the proceeds of said sale after the debt due on said mortgage is deducted shall be paid to the legal Heirs to the same with the lawful Interest thereon, after the time of the sale, as they shall respectively arrive at full age, in the same manner as they could by Law inherit in case the said Land had not been sold. [*Passed April 22.*]

## CHAPTER 97.

RESOLVE IMPOWERING ABNER CROOKER, GUARDIAN, TO JOIN WITH OTHERS IN THE SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 490.

Legislative  
Records of the  
Council,  
xxviii., 158.  
House Jour-  
nal, pp. 211, 232.

A PETITION of Abner Crooker Guardian of the seven minor Children of Agathy Hatch late of Scituate in the County of Plymouth dec<sup>d</sup> Setting forth That they together with their six Brothers and Sisters who are of age, are owners and equally interested in about 80 acres of poor Land lying in three pieces in Pembroke and about 23 acres of Cedar Swamp lying in several pieces in said Pembroke and Hanover all rough Land under no improvement and the dividing it into thirteen shares will be prejudicial to the whole and lessen the value thereof. And praying that he may be empowered to join with such of the Heirs as are of age in making sale of the Real Estate aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to join in the sale with the owners of the other parts and shares of the several pieces of Land in the Petition mentioned and make and execute a good and sufficient Deed or Deeds of that part which belongs to his respective Wards, which shall be as good conveyance of their Interest in the same as if they were of full age and executed such Deed or Deeds themselves; always provided that the Petitioner shall give sufficient security to the Judge of Probate for the County of Plymouth that that part of the proceeds of said Sale which belongs to his Wards shall be immediately after such sale put to Interest for their use, and their several parts or shares thereof shall be paid to them severally when they shall arrive at full age or to their legal Representatives in such proportions as they could inherit by Law in case the said Lands had not been sold. [*Passed April 22.*]

## CHAPTER 98.

RESOLVE IMPOWERING AARON FULLER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 491.

House Jour-  
nal, pp. 191, 230.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of Aaron Fuller of Rehoboth in the County of Bristol Guardian of Mary Fuller a minor daughter of Moses Fuller late of said Rehoboth deceased Setting forth That the said minor is owner of about five acres and half of Land which came to her by her Father That the said minor, having for several years past been confined by Sickness, hath expended all her Personal Estate and



is still in debt. And praying that he may be impowered to make sale of the said Tract of Land to discharge the said Debts and for the said minors future support.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully impowered to make sale of the Land in the foregoing Petition mentioned for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds thereof; provided he shall observe the rules of the Law respecting the sale of Real Estates by Executors and administrators and give sufficient security to the Judge of Probate for the County of Bristol that the proceeds of said sale shall be applied for the payment of the expences of the support of his said Ward already made, and for her further support, and the overplus, if any be, with the lawful Interest arising thereon, shall be paid to her when of age or to her legal Heirs in case of her demise before that time, agreeable to the rule of Law. [*Passed April 22.*]

## CHAPTER 99.

### RESOLVE IMPOWERING KATH<sup>A</sup> SHAW, ADM<sup>N</sup>, TO EXECUTE DEEDS.

A PETITION of Katharine Shaw Widow of Samuel Shaw late of Palmer in the County of Hampshire deceased, and administratrix of his Estate Setting forth That the said Samuel on the 16 day of October last by Bond obliged himself, his Heirs, Executors and administrators to Convey to William Shaw of said Palmer his Heirs or assigns one hundred & twenty acres of Land in Monson called Sheldens Farm upon his or their paying the Sum of ninety pounds with Interest within one year from that time; which the said William hath since paid to the Petitioner and now demands a Deed of the said Land That the said Samuel Shaw for a valuable consideration, also obligated himself to one Rosewell Mills to give him a quit Claim Deed of one acre & twenty three Rods of Land lying in East Winsor in Connecticut, whenever he the said Roswell should request the same; and the said Roswell is now desirous of a Deed thereof. And praying that she may be impowered in her said capacity to make and execute Deeds of the said Lands accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is hereby fully impowered to make and execute to the Person or Persons who have Right by Law to demand and receive the same, Deeds of the Lands in her Petition mentioned according to the tenor of the respective Bonds, which Deeds so executed and delivered shall be as good to all intents for conveying the Lands in said Bonds delineated and described, as if the said Samuel Shaw deceased had made and delivered said Deeds in his life time. [*Passed April 22.*]

Legislative  
Records of the  
Council,  
xxxviii., 492.  
House Jour-  
nal, pp. 138, 158,  
226, 232.

## CHAPTER 100.

RESOLVE GRANTING TOWNSHIP N<sup>o</sup> 7 (EXCEPT A CERTAIN NUMBER OF ACRES) TO SAMUEL HITCHCOCK & OTHERS.

Legislative  
Records of the  
Council,  
xxviii., 485.

House Jour-  
nal, pp. 197, 212,  
237. Province  
Laws, xvii.,  
242, chap. 50.  
*Ante*, p. 258,  
chap. 66.

A PETITION of John Worthington Esq<sup>r</sup> in behalf of Samuel Hitchcock James Sikes and Moses Bliss all of Springfield Setting forth That in June 1762 one Moses Parsons of Middletown in Connecticut purchased of the Province the new Township N<sup>o</sup> 7 for £875 and paid as earnest the Sum of £20 and gave his Bond to the Province Treasurer with Sureties for the remainder That the said Samuel and James with sundry others purchased of the said Moses Parsons Rights in the said Township, purely with intent to make Settlements thereon and paid him for the same; but, the Petitioners finding the circumstances of the said Moses Parsons reduced and themselves and the other purchasers of him in great danger of losing their money, Labour &c relying on the justice & goodness of this Court, they purchased from the said Moses Parsons and John Chadwick and John Ashley Esq<sup>rs</sup> his Sureties to the Province (to whom he had mortgaged the said Township) all their Interest, or expected Interest in the said Township, and have undertaken to discharge them of their obligations to the Province That there is a deficiency of 7,633 acres by means of former Grants and short measure: and praying a remission of a proportionable part of the purchase consideration, or an equivalent for the deficiency, and some indulgence with regard to the terms of Settlement

[Read and]

*Resolved* That the Lands in said Township (all except the 7,333 acres heretofore sold) be and are hereby granted to the Petitioners Samuel Hitchcock James Sikes and Moses Bliss, their Heirs and assigns, and that upon their giving Bonds to the Province Treasurer for the sum of five hundred pounds payable in two years with Interest, the Bond of the said Moses be given up; said Grant to be on this Condition that the said Petitioners settle thirty Families on said Land within five years from this time. [*Passed April 23.*]

## CHAPTER 101.

RESOLVE IMPOWERING MARY STEARNS, ADMINISTRATRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 493.

House Jour-  
nal, pp. 206, 230,  
231. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Stearns Widow of Benjamin Stearns late of Rutland in the County of Worcester deceased, and administratrix of his Estate Setting forth That the Personal Estate of the said deceased is not sufficient to pay his just debts by the Sum of £53.14.9 That the said deceased died siezed of a Real Estate in said Rutland apprizd at £161.10/ and that the sale of part thereof will be a great damage to the remainder. And praying that she may be empowered to make sale of the whole thereof, to enable her to pay the said debts, and for the benefit of herself and Children.

[Read and]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is April 20.

*Resolved* that the prayer of the foregoing Petition be granted and that the Petitioner be and she accordingly is hereby fully empowered to make sale of the Real Estate in the foregoing Petition mentioned and to give a good and sufficient Deed or Deeds thereof; she observing the rules and directions of the Law relating to the Sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> the lawful Interest of one third thereof to be for the support of the Widow in lieu of Dower during her natural life, and the remaining two thirds be applied first for the payment of the debts of said deceased, and the residue thereof be put to Interest for the benefit of the Heirs of the said deceased, and that they shall inherit the same when they respectively arrive at full age together with the Widows third after her decease agreeable to Law. [*Passed April 23.*]

## CHAPTER 102.

RESOLVE IMPOWERING ELISHA JACOB, GUARDIAN, TO JOIN WITH OTHERS IN SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisha Jacob Guardian of Deborah and Elizabeth Randall Minors and daughters of Gershom Randall late of Scituate in the County of Plymouth yeoman deceased Setting forth That the said Gershom died Intestate leaving a Widow and four Children viz<sup>t</sup> Nehemiah, Gershom and the said minors That the said Intestate died siezed of about 80 acres of Land in four pieces, the greater part of it rough Land and the Fences out of repair That the Widow by Law must have one third set off to her; that the remainder cannot be divided without great prejudice thereto, and not either of the said Sons incline to have the same settled on them That the expence of dividing and Fencing said minors parts will amount to much more than the whole Income during their minority, & that they have no Estate to apply for that purpose That the Sons are determined to sell their parts, and it would be greatly to the advantage of the minors if their shares might be sold at the same time. And praying that he may be empowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to join with the owners of the other parts of the Lands in the Petition mentioned in the sale of the same (except the Widows Dower therein) and make and execute a good and sufficient Deed or Deeds of that part which belongs to his respective Wards which shall as effectually convey their part thereof as if they were of full age and executing the said Deed themselves; always provided the said Petitioner shall give sufficient security to the Judge of Probate for the County of Plymouth that that part of the proceeds of said sale which belongs to his respective Wards with the Interest arising thereon after s<sup>d</sup> sale shall be paid them respectively when they shall arrive at full age or to their legal Representatives in such proportion as they could by Law inherit in case the said Land had not been sold. [*Passed April 25.*]

Legislative  
Records of the  
Council.  
xxviii., 501.

House Journal,  
pp. 211, 231.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 103.

RESOLVE GRANTING A TOWNSHIP TO WM. BULLOCK AND OTHERS IN LIEU OF A GRANT WHICH FELL WITHIN NEW HAMPSHIRE.

Legislative  
Records of the  
Council,  
xxviii., 503.  
Mass.  
Archives,  
cxviii., 489.

Maps and  
Plans, Mis.,  
xxxiii., 20.  
House Jour-  
nal, pp. 197, 224,  
238. Province  
Laws, xli., 294,  
chap. 75.

A PETITION of William Bulluck in behalf of himself and others Grantees and Heirs of Grantees in a Township granted by the General Court in the year 1735, on the Petition of Samuel Gallop and others, to the officers and Soldiers who served in the Expedition to Canada in the year 1690 Praying for a Grant of a Township in lieu of the Township abovementioned which fell into New Hampshire, on running the Line between this Province and the said Province of New Hampshire.

[Read and]

*Resolved* that the prayer of Said petition be so far Granted as that there be Granted to the Original Grantees or their assigns or Legal Representatives of Such of the Original Grantees who have not been already Compensated in the Said Petition mentioned a Tract of land to be in one piece (if they will accept the Same In full of their Claim) provided it Shall not Exceed the Contents of Six miles square of the unappropriated Land in the westwardly part of this province to Satisfy for the Grant of the Township in the petition mentioned which they Lost by the Running of the line between this Province and the Province of New Hampshire and that the Said Grantees at their own Cost Cause the Same to be laid out by a Skilful Surveyor and Chainman under Oath and Return a plann of the Same to this Court for their Acceptance in Seven months and after the Return and acceptance of Said plan the Said Grantees shall hold the Said Tract of land to themselves their heirs and assigns forever Upon Such Conditions of Settlement as this Court shall order when such plann Shall be Returned. [*Passed April 25.*]

## CHAPTER 104.

RESOLVE GRANTING EQUIVALENT LANDS TO THE PROPRIETORS OF TOWNSEND.

Legislative  
Records of the  
Council,  
xxviii., 503.

Maps and  
Plans, Mis.,  
xvii., 21. Legis-  
lative Records  
of the Council,  
xxvi., 72.  
House Jour-  
nal, pp. 139, 244.  
Province  
Laws, ix., 696,  
chap. 113; xli.,  
653, chap. 8.  
*Ante*, p. 118,  
chap. 8.

THE COMMITTEE on the Petition of Josiah Sartell and others in behalf of the Proprietors of Townshend, have attended that Service and duly examined the same and find that there is taken off from said Townshend ten thousand, two hundred & four acres by the late running of the Province line, in which Tract there was laid out of two hundred and fifty acres, agreeable to the original Grant of said Townshend, for the use of Harvard College that it appears by the Records of Council there has been no more Lands granted by the General Court in consideration of said lost Lands, than fourteen hundred and fifty three acres, and that to the late Col<sup>o</sup> Lawrence, John Farrow & Jashur Wyman for their proportion of said lost Lands that in the year 1765 there was granted to the Proprietors of said Townshend, together with a number of other Petitioners a Township of seven miles square as may appear by the Votes of both Houses of assembly, which Grant was not Signed by the Governor; since which several of the Grantees interested in said Grant

have Petitioned the General Court and have obtained separate Grants in consideration of their interest mentioned in said Grant; and it appears to the Committee that the said Proprietors and other Persons interested in said lost Lands ought to be compensated, as well as others in like circumstances. Therefore

*Resolved* that in lieu thereof there be granted to the Proprietors aforesaid and other Persons interested therein, their Heirs and assigns (excepting the late Col<sup>o</sup> Lawrence, John Farrow and Jashur Wyman who have been already compensated by the General Court for their proportion of said lost Lands) Eight thousand, seven hundred and fifty three acres, that quantity remaining after the said Lawrence, Farrow and Wyman's Grants are deducted, of the unappropriated Lands belonging to this Province in the Westerly part thereof, there being first two hundred and fifty acres thereof laid out for the use of Harvard College, and the remainder equally divided between the Proprietors aforesaid and other particular Persons interested in said lost Lands according to their particular interest therein, and return a Plan thereof taken by a Surveyor and Chainmen under Oath into the Secretary's office within twelve months. [*Passed April 25.*]

## CHAPTER 105.

### ORDER IMPOWERING SAMUEL LEE AND OTHERS TO BRING A WRIT OF REVIEW.

THE COMMITTEE appointed the 15 instant on the Petition of Samuel Lee [in regard to a Judgment recovered by Elijah Williams], made Report; whereupon the following Order passed viz<sup>t</sup>

*Ordered* that the said Samuel Lee, Moses Church and Aaron Shelden be and hereby are authorized and empowered to bring their action of Review of the action whereon the Judgment mentioned in the said Petition was rendered, at the next Inferior Court of Common pleas to be holden at Great Barrington in the County of Berkshire on the first Tuesday of Septem<sup>r</sup> next; provided that the said Samuel give sufficient security to the acceptance of the said Williams, or such as shall be adjudged sufficient by the said Court to indemnify and save harmless the said Williams, from any past and future cost and expence which he may incur, by reason of the misconduct of the said Lee a Deputy keeper of the Goal in said Berkshire, agreeable to the Condition of the Bond beforementioned. [*Passed April 25.*]

Legislative  
Records of the  
Council,  
xxviii., 504.

Legislative  
Records of the  
Council,  
xxviii., 367,  
463. House  
Journal,  
pp. 103, 107, 116,  
117, 154, 214, 217,  
245. *Ante*,  
p. 60, chap. 112.

## CHAPTER 106.

### RESOLVE GRANTING £98. 17 FOR BUILDING THE GURNET LIGHT HOUSE.

*Resolved* that the Sum of Ninety Eight pounds seventeen shillings<sup>1</sup> be paid out of the Treasury to the Committee appointed to Build the Light House on the Gurnet near Plymouth Harbour which Sum together with the Sum of Nine hundred & seventy pounds<sup>2</sup> already received by said Committee for that Purpose is in full for the same. [*Passed April 25.*]

Legislative  
Records of the  
Council,  
xxviii., 505.  
Mass.  
Archives,  
lxvi., 498.

House Jour-  
nal, pp. 103, 114,  
149, 244. Prov-  
ince Laws, iv.,  
392, chap. 22;  
1004, 1005,  
notes. *Ante*,  
p. 468, chap. 5.

<sup>1</sup> The House Journal, p. 244, reads, £90. 17.

<sup>2</sup> The House Journal, p. 244, reads, £570.



## CHAPTER 107.

## RESOLVE ALLOWING £120 TO THE TREASURER.

Legislative  
Records of the  
Council,  
xxviii., 506.  
Mass.  
Archives, civ.,  
590.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province acknowledging with gratitude the Grant made him for his common Services for the last year: and praying an allowance for his extraordinary Services.

Mass.  
Archives, civ.,  
589. House  
Journal,  
pp. 237, 243.  
*Ante*, p. 497,  
chap. 67.

Read & thereupon

*Resolved* that the Sum of One hundred & twenty pounds be granted and Allowed to be paid out of the Public Treasury to the Hon<sup>ble</sup> Harrison Grey Esq<sup>r</sup> Treasurer of this Province for his Extraordinary Services in said office. [*Passed April 25.*]

## CHAPTER 108.

RESOLVE EXEMPTING CERTAIN INHABITANTS OF THE PARISH OF  
POCASSET FROM MINISTERIAL TAXES.

Legislative  
Records of the  
Council,  
xxviii., 506.  
House Jour-  
nal, pp. 244, 245.  
*Ante*, p. 448,  
chap. 153.

A PETITION of Melatiah Nye & others in behalf of the Parish of Pocasset in the Town of Sandwich Setting forth That in April 1770, upon a Petition of a number of the Inhabitants of said Pocasset, the General Court was pleased to set them off as a Parish, bounded northerly by the Lands of William Tobey & Jonathan Tobey inclusively, Easterly to the extent of the Petitioners Lands in the Woods, Southerly by Falmouth line & Westerly by Buzzards Bay That the old Precinct in Sandwich hath lately assessed all the rateable Inhabitants of said Pocasset who did not sign said Petition, altho' they dwell within the bounds abovementioned and several of them on the then Petitioners Lands. And praying relief.

[Read and]

*Resolved* that the prayer of the Petition be so far granted as that the Polls and Estates residing and being within the limits of the Parish of Pocasset in the Petition mentioned, be exempted from all ministerial Taxes in any place or Parish other than the Parish of Pocasset within mentioned, and that the Resolve of the General Court whereby said Parish of Pocasset was constituted was originally intended and of right ought to have been so construed. [*Passed April 25.*]

## CHAPTER 109.

RESOLVE IMPOWERING JAMES FRYE AND JAMES FRYE, JR., GUARDIANS, TO JOIN WITH HEIRS IN THE SALE AND CONVEYANCE OF  
PART OF AN ESTATE.

Legislative  
Records of the  
Council,  
xxviii., 509.  
House Jour-  
nal, pp. 191, 199.

A PETITION of James Frye of Andover in the County of Essex Setting forth That out of the Real Estate of John Osgood Esq<sup>r</sup> late of said Andover dec<sup>d</sup> there accrued to the Petitioners Children viz<sup>t</sup> James, Jonathan, Elizabeth, Joanna, Sarah, Hannah, Dorcas and Molly twenty five acres of Land That the said Land will not admit of a Division without prejudice thereto, and that those of the said



Children, who are living and of age, are desirous of selling the same as it now lyes, rather than be at the expence of a Division, or settlement in the way of the Court of Probate: That his said daughter Molly is under age, to whom he is Guardian, and his daughter Joanna is dead, and left five Children to whom James Frye jun<sup>r</sup> is Guardian: and praying that he, together with the said James Frye jun<sup>r</sup>, may be empowered to join, with the other Heirs, in the Sale of the Tract of Land aforesaid.

Read and

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they accordingly are hereby fully empowered to join with the other Heirs in their Petition mentioned, in the sale and conveyance of that part of said Estate which belongs to their respective Wards, and they are and shall be hereby empowered to make and execute a good Deed or Deeds thereof, provided they shall give sufficient security to the Judge of Probate for the County of Essex that the proceeds of the sale of that part of said Estate which belongs to their respective Wards shall be paid to them with the Interest arising thereon after said sale as they shall severally arrive to lawful age or at marriage and in proportion to their respective Interests in the said Estate. [*Passed April 25.*]

## CHAPTER 110.

ORDER FURNISHING COPIES OF THE PROVINCE LAWS TO TOWNS AND DISTRICTS NOT SUPPLIED.

Legislative  
Records of the  
Council,  
xxviii., 514.

*Ordered* that all Towns and Districts that are not furnished with the Province Laws be furnished with a set of the same. [*Passed April 26.*]

House Jour-  
nal, p. 249.

## CHAPTER 111.

ORDER APPOINTING A COMMITTEE FOR BUILDING A LIGHT HOUSE AT CAPE ANN.

Legislative  
Records of the  
Council,  
xxviii., 514.  
Mass.  
Archives,  
lxvi., 499.

In the House of Representatives

*Ordered* that Cap<sup>t</sup> Allen Major Reed & Cap Darby be (with such as the Hon<sup>bl</sup> Board shall joyn) a Committee to take the Care of the Building a Lighthouse on Thachers Island or the Head Land of Cape Ann agreeable to an Act passd the present Session & report their Proceedings to the Gen<sup>l</sup> Assembly

In Council

Read & Concurred & John Erving Esq<sup>r</sup> & Cap<sup>t</sup> Patrick Tracy are Joined In the Affair. [*Passed April 26.*]

Mass.  
Archives,  
lxvi., 485.  
House Jour-  
nal, p. 246.  
Province  
Laws, v., 137,  
chap. 35; 148,  
149, notes.

## CHAPTER 112.

RESOLVE IMPOWERING EBEN<sup>s</sup> STEDMAN, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 514.

House Jour-  
nal, pp. 203, 249.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ebenezer Stedman Guardian of Mary Austiu a minor and daughter of Thomas Austin late of Charlestown in the County of Middlesex Barber deceased Setting forth That the said deceased in and by his last Will and Testament, having given to his Wife his whole Personal Estate and the Improvement of his Real Estate so long as she should remain his Widow, devised his Real Estate to the said Mary Austin and her Heirs forever; she paying to the said Testators two daughters in Law Mary Waters and Rachel Waters each the Sum of thirteen pounds, six shillings & eight pence, at their arrival at full age or marriage That the said Mary and Rachel are arrived to lawful age, but have received no part of their Legacies That the said Estate is further indebted about twenty pounds, for the Repairs of that part of the dwelling House which belonged to said deceased and was devised to said minor That for the payment of said debt and Legacies there is no other Estate save that devised to said Mary as aforesaid That the Real Estate so devised consists of half a dwelling House and Garden Spot and some Land in Charlestown at a distance therefrom That the said half of the dwelling House needs often to be repaired, and the profits arising from it are so small that tis apprehended as well by the Petitioner as by the Grandmother of the said minor, to whom the said Estate is devised in case the said Mary should not live to full age or leave Heirs, that it would be much for the advantage of the minor that said House should be sold and the produce of the sale, after payment of said debt and Legacies, be put out on Interest for her use and benefit: and praying that he may be empowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to make sale of the Estate in his Petition mentioned, for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof; he observing the rules and directions of the Law relating to the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said Sale shall be applied, first to pay the Legacies in the Will ordered for his Ward to pay and the Debt for such necessary Repairs as he hath made to be allowed by said Judge of Probate and the residue to be put to Interest for the benefit of his said Ward, and in case of her decease before she shall arrive at full age leaving no Heirs as in her Fathers Will specified, then to be disposed of as in and by said Will is directed as if the said Estate had not been sold. [*Passed April 26.*]

## CHAPTER 113.

RESOLVE IMPOWERING DEBORAH CHAPMAN TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Deborah Chapman of Danvers in the County of Essex Widow Setting forth, That her daughter Rebecca Chapman, aged about twenty five years, is an Ideot That the whole Estate of the said Rebecca consists of a moiety of a right of Comonage and of a moiety of about fifty poles of Land in Salem in said County, worth about twenty four pounds, but chargeable with a debt of five pounds six shillings and eight pence. And praying that she may be impowered to make Sale of the Real Estate aforesaid to enable her to discharge the debt afores<sup>d</sup> and for the said Rebecca's support.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and is hereby fully authorized and impowered to make sale of the moiety of the Right of Commonage, and also the moiety of the other piece of Land mentioned in the Petition, belonging to the within named Rebecca Chapman, for the most the same will fetch, and make and execute a good Deed or deeds thereof to the purchaser or purchasers, observing the directions in the Law for the sale of Real Estates by Executors and administrators, and giving sufficient caution to the Judge of Probates for the County of Essex that the money arising by the sale thereof shall be applied to the discharging of the just debts of the said Rebecca, and the overplus if any there be, be put to Interest on good security, and the Interest, with so much of the principal as shall be wanted from time to time for the support and maintenance of the said Rebecca be applied to that purpose. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 515.

House Jour-  
nal, pp. 198, 248.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 114.

RESOLVE IMPOWERING JOSHUA LOCKE TO LAY OUT 300 ACRES OF  
LAND ON HOOSACK MOUNTAIN.

A PETITION of Joshua Locke of Hubbardston Setting forth That he served his majesty upwards of six years during the last War; the fatigues of which hath greatly impaired his health That he is desirous of erecting a House of Entertainment upon Hoosuck Mountain for the accomodation of Travellers which, he apprehends, may be of great benefit to the Public. And praying that he may have a grant of some of the Province Lands in some commodious part of said mountain to enable him to erect and maintain such an House.

[Read and]

*Resolved* that the prayer of the within Petition be so far granted as that the Petitioner be allowed to Lay out three Hundred acres of unappropriated Land on Hoosuck Mountains, and Return a plan thereof to this Court as Soon as may be for their Confirmation, on Condition that he Erect & keep a house of entertainment for Travellers on S<sup>d</sup> mountains for the Space of Seven years he to Erect Said House within one year from the Confirmation of said Land. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 520.  
Mass.  
Archives, cxi.,  
566.

Mass.  
Archives, cxi.,  
565. House  
Journal,  
pp. 218, 251.

## CHAPTER 115.

RESOLVE GRANTING PROVINCE LAND AT YE WESTWARD TO HON<sup>BLE</sup>  
T. RUGGLES, ESQ<sup>R</sup>.Legislative  
Records of the  
Council,  
xxviii., 521.House Jour-  
nal, p. 250.  
*Ante*, p. 502,  
chap. 81

A PLAN of Province Land bounding north on Ashfield, East partly on Ashfield and partly on a Tract of Land called the Gore, South on Worthington and West on N<sup>o</sup> 5 taken Nov<sup>r</sup> 1770 and plan'd by a Scale of 200 perch to an Inch & Nath<sup>l</sup> Dwight was laid before the Court; upon which the following Order passed viz<sup>t</sup>

*Resolved* that the Land contained in the within Plan and unappropriated, being the quantity of two thousand four hundred and fifty acres, be and hereby is granted to the hon<sup>ble</sup> Timothy Ruggles Esq<sup>r</sup> his Heirs and assigns forever, he giving sufficient security to the Province Treasurer for the payment to the said Treasurer or his successor such Sum in consideration thereof as said Land shall be apprizd at in the Judgment of Major Hawley, M<sup>r</sup> Goodrich and Cap<sup>t</sup> Searl who are hereby appointed a Committee for that purpose; the money to be paid in twelve months after the Land shall be apprizd. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 522.House Jour-  
nal, p. 252.  
Province  
Laws, v., 108,  
chap. 8.

## CHAPTER 116.

ORDER TRANSFERING APPROPRIATION.

*Ordered* that the Sum of Eight hundred pounds be transferred from the appropriation of Grants to the appropriation where there is no establishment. [*Passed April 26.*]

## CHAPTER 117.

RESOLVE DISCHARGING GUARDIANS OF THE NATICK INDIANS FROM  
SERVICE AT THEIR REQUEST.Legislative  
Records of the  
Council,  
xxviii., 522.  
Mass.  
Archives,  
xxxiii., 534.House Jour-  
nal, pp. 221, 251.  
Province  
Laws, xvi., 241,  
chap. 76, note.

JOSEPH BUCKMINSTER & JOHN JONES ESQ<sup>RS</sup> & M<sup>r</sup> John Clark Guardians to the Natick Indians having Represented to this Court that they are Greatly advanced in years and having by their petition humbly moved this Court that they may be Dismissed from Said Service thereupon

*Resolved* that the Said Guardians having faithfully fulfilled their trust be accordingly Discharged from Said Service provided that if it shall hereafter appear that there Shall be in their or either of their hands any Estate belonging to Said Indians or any Individuals thereof they Shall be accountable for the Same as this Court Shall order. [*Passed April 26.*]

## CHAPTER 118.

## RESOLVE ALLOWING £100 TO ANDREW OLIVER, LATE SECRETARY.

A PETITION of Andrew Oliver Esq<sup>r</sup> late Secretary of the Province Setting forth That in March 1765 the hon<sup>ble</sup> House of Representatives passed a Resolve, That all Grants for the support of said office should for the future be made to the Secretary himself: and that in consequence of this Resolve the General Court have from year to year made him a Grant for this purpose, which he hath constantly paid over to his Deputy That in confidence of such allowance his Deputy undertook the business the last year which expired on the 6 day of Decem<sup>r</sup> 1770 and in like confidence the Petitioner hath already advanced him a Sum of money in part for his Service. And praying an allowance for the purpose aforesaid.

Read &

*Resolved* that the Sum of One hundred Pounds be allowd & paid out of the publick Treasury to the Hon<sup>ble</sup> Andrew Oliver Esq<sup>r</sup> late Secretary of this Province to enable him to pay for Assistance during one year ending the Sixth Day of December last. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 523.  
Mass.  
Archives, 1,  
417.  
Mass.  
Archives, 1,  
416. House  
Journal, p. 294  
(March, 1765);  
pp. 210, 237, 247,  
252. *Ante*,  
p. 445, chap.  
148; p. 497,  
chap. 66.

## CHAPTER 119.

RESOLVE GRANTING 1,800 ACRES OF LAND TO CHAS<sup>s</sup> GOODRICH AND OTHERS.

A PETITION of Charles Goodrich of Pittsfield in the County of Berkshire setting forth That some years ago Cap<sup>t</sup> John Brewer of Tyringham purchased of the Rev<sup>d</sup> Solomon Williams of Lebanon two settling Lots in a Township called New Framingham now Lanesborough and contracted with the said Solomon to perform the duties of settlement upon two Rights in said Township. That the said John Brewer afterwards sold the said two Lots to one Miriam, but the said Miriam died before he had procured a Deed of the said Lots, and the Petitioner purchased the same of the said Miriam's Heirs in expectation of receiving a Deed thereof from the said Brewer, but the said Brewer also dying soon after and leaving a number of Infant Heirs the Petitioner was not able to procure the said Deed. That as it was time the said Lots were settled, the petitioner sold the said two Lots & warranted the same one to Moses Hale and the other to one Hicok who made large Improvements thereon. That in the year 1765 a Tax of thirty shillings was laid on each Right in said Township for the settlement of a minister, and altho' the Petitioner imagined that Taxes were not included in the Duties of Settlement, yet to prevent disputes he actually paid the same, but taking no receipt for the said Taxes, part of the said two Rights were sold at vendue for the supposed neglect of paying the said Taxes. That the said Solomon Williams thereupon at the Inferior Court held for the said County in Septem<sup>r</sup> 1766 brought his action against the said Moses Hale for the possession of the Lot of Land sold him as aforesaid. That the Heirs of the said John Brewer appeared and moved to the Court that they might be admitted to warrant the said Lands to the Petitioner and defend the suit against the said Solomon, but

Legislative  
Records of the  
Council,  
xxviii., 79, 524.  
Legislative  
Records of the  
Council,  
xxviii., 103,  
334, 343, 392.  
House Journal,  
pp. 80, 112  
(1769); pp. 116,  
124, 149, 151, 176,  
215, 239, 243, 244.  
Province  
Laws, iv., 815,  
chap. 14.  
*Ante*, p. 136,  
chap. 45; p. 305,  
chap. 175;  
p. 352, chap. 42.



the Court consisting of three Justices only, one of whom was related to the said Solomon determined, that as the Petitioner had no Deed with warranty from the said Brewer or his Heirs, they should not be admitted. That the Petitioner apprehending he could not appeal from said determination was induced to refer the said Cause to the final determination of three men, two of whom contrary to the opinion of the third, reported that the said Solomon should recover the Lot of Land sued for and Costs; whereby the Petitioner hath lost an Estate worth £150, besides the Costs. And as the Petitioner thro' his ignorance of the Law submitted the Cause to Reference, Praying that he may be impowered to have a rehearing in the common course of Law.

[Read and]

*Resolved* That that Tract of Land lying between the line commonly called Dwights line and the line commonly called Messengers line and extending northwardly and Southwardly the whole width of Pittsfield be quit claimed to the said Charles Goodrich, Theophilus Bishop, Eleazer Daming and Humphry Denny, which Tract contains One thousand eight hundred acres; provided they shall give sufficient security to the Province Treasurer for the use of this Province for the Sum of ninety pounds, which is at the rate of one shilling ~~p~~ acre; to be paid in one year, with Interest after the expiration of one year, and in case the said Theophilus Bishop, Eleazer Daming and Humphry Denny shall neglect to give security and pay as aforesaid at the rate aforesaid for what Land they are in possession of, then the Right which this Province hath in said Tract shall be to the said Charles in case he shall give security and pay as aforesaid. And in case upon any after settlement of the line between this Province and the Province of New York all or any part of said Tract shall appear to be in the Province of New York and the said Charles and others or any under them cannot hold and enjoy the said Land by virtue of this Resolve, then and in such case for every acre which shall be so taken from them they shall be refunded one shilling without any allowance for Interest. [*Passed April 26.*]

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## CHAPTER 120.

### RESOLVE IMPOWERING ELEAZER JOHNSON TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council,  
xxviii., 525.

House Jour-  
nal, pp. 136, 158,  
198, 248, 249.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Eleazer Johnson eldest Son of Isaac Johnson late of Charlestown Mariner deceased Setting forth That the mansion House and Land of the said deceased cannot be divided without great prejudice thereto That the Petitioners mother in Law Catharine Johnson is Guardian to her only surviving Son a person non compos, and the Petitioner is attorney to his Brother Jacob now absent. And praying (as the said Catharine is desirous that the said mansion House & Land should be sold) that he may be impowered to make sale thereof, which he apprehends will be much for the Interest of all concerned therein.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully impowered to sell that part of the Estate in his Petition mentioned, belonging



to the non compos Person, for the most the same will fetch and make and execute a good and sufficient Deed or Deeds thereof, he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Middlesex, that he will duly account for and pay the proceeds of Sale into the hands of the Guardian for the benefit of said non compos person or his legal Representatives in case of his decease. [*Passed April 26.*]

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## CHAPTER 121.

RESOLVE IMPOWERING ELEAZER JOHNSON AND JONATHAN BRADISH TO JOIN WITH HEIRS IN SELLING REAL ESTATE.

A PETITION of Eleazer Johnson and Jonathan Bradish Executors of the last Will and Testament of Eleazer Johnson late of Charlestown Shopkeeper deceased Setting forth That in the Division of the Real Estate of the said deceased agreeable to his Will, one half of a Dwelling house and Land adjoining was set off to the Representatives of Katharine Johnson, but, the same not being satisfactory to them, it was agreed by the Heirs of the said Testator that the said half House and Land should be sold by the Petitioners and the produce of the said sale be paid to the Heirs of the said Katharine, and what the same should fall short of their share to be made up by the other Heirs of the Testator That they have now an opportunity to sell the said half House and Land adjoining, but are apprehensive they have not power by the Will to give a Deed of the same. That the Testator advanced money for his Grandson Billings Bradish to purchase Land and build him an House at Salem; and upon his repayment of the said money with Interest, was to have a Deed in fee of the said Land, and that the said Billings is now ready to pay the money advanced as aforesaid: and praying that they may be empowered to make and execute a Deed to the said Billings Bradish accordingly, and also to make sale and execute a Deed of the half House and Land abovementioned.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners Eleazer Johnson and Jonathan Bradish, be and they accordingly are hereby fully empowered to join with the other Heirs of the deceased in the sale of Estate in the Petition mentioned, and make and execute a good and sufficient Deed or Deeds of the same, and they are also hereby empowered to make and execute a good and sufficient Deed of the Land mentioned in their Petition to the said Billings Bradish upon his paying the money as therein set forth, provided they shall give sufficient security to the Judge of Probate for the County of Middlesex that they will duly account for and pay that part of the proceeds of said sale which shall come into their hands and possession as in and by the Will of the Testator is directed. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xxviii., 526.

House Journal,  
pp. 198, 248.  
*Supra*, chap.  
120.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1771-72.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1771-72.

HIS EXCELLENCY THOMAS HUTCHINSON,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

THOMAS FLUCKER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

SAMUEL DANFORTH	}	Esqrs.	SAMUEL DEXTER	}	Esqrs.
ISAAC ROYALL			BENJAMIN GREENLEAF		
JOHN ERVING			THOMAS SANDERS, Jr.,		
WILLIAM BRATTLE			JOSHUA HENSHAW		
JAMES BOWDOIN			ARTEMAS WARD		
THOMAS HUBBARD			STEPHEN HALL		
HARRISON GRAY			JOHN HANCOCK <sup>2</sup>		
JAMES RUSSELL			CALEB CUSHING		
JAMES PITTS			TIMOTHY WOODEBRIDGE		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth;*

JAMES OTIS	}	Esqrs.	WALTER SPOONER	}	Esqrs.
WILLIAM SEVER			JERATHMEEL BOWERS <sup>2</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;*

NATHANIEL SPARHAWK, JOHN BRADBURY & JEREMIAH POWELL, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JAMES GOWEN, Esq.

<sup>1</sup> See Legislative Records of the Council, xxix., 1-6.

<sup>2</sup> Rejected by the Governor. See Legislative Records of the Council, xxix., 6.

*For the Province, at large:—*

GEORGE LEONARD, JR., & JAMES HUMPHREY, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 29, 1771 to April 25, 1772.*

MR. THOMAS CUSHING, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . James Otis, Esq.,  
                   Thomas Cushing, Esq.,  
                   Mr. Samuel Adams,  
                   John Hancock, Esq.  
*Roxbury*, . . . Capt. William Heath.  
*Dorchester*, . . . Mr. Samuel Howe.  
*Milton*, . . . Mr. Benjamin Wadsworth.  
*Braintree*, . . . Ebenezer Thayer, Jr., Esq.  
*Weymouth*, . . . Capt. Solomon Lovell.  
*Hingham & Cohasset*, } Mr. Joshua Hearsey.  
*Dedham*, . . . Mr. Abner Ellis.  
*Medfield*, . . . Capt. Samuel Morse.  
*Wrentham*, . . . Mr. Jabez Fisher.  
*Brookline*, . . . Capt. Benjamin White.  
*Needham*, . . . Capt. Eleazer Kingsbury.  
*Stoughton and Stoughton-ham*, } Mr. Ezekiah Gay.  
*Medway*, . . . Capt. Jonathan Adams.  
*Wulpole*, . . . Joshua Clap, Esq.  
*Chelsea*, . . . Mr. Thomas Pratt.

## COUNTY OF ESSEX.

*Salem*, . . . Richard Darbey, Jr., Esq.,  
                   Mr. John Pickering, Jr.  
*Danvers*, . . . Doctor Samuel Holton.  
*Ipswich*, . . . Capt. Michael Farley.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Newburyport*, . . . Mr. Jonathan Greenleaf.  
*Marblehead*, . . . Richard Reed, Esq.  
*Lynn*, . . . Ebenezer Burrill, Esq.  
*Andover*, . . . Samuel Phillips, Esq.  
*Beverly*, . . . Capt. Henry Herrick.  
*Rowley*, . . . Humphrey Hobson, Esq.  
*Salisbury*, . . . Caleb Cushing, Esq.  
*Haverhill*, . . . Mr. Jonathan Webster, Jr.  
*Gloicester*, . . . Nathaniel Allen, Esq.  
*Topsfield*, . . . Capt. Samuel Smith.  
*Boxford*, . . . Capt. Asa Perley.  
*Almsbury*, . . . Jonathan Bagley, Esq.  
*Bradford*, . . . Capt. Daniel Thurston.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . . Mr. Thomas Garduer.  
*Charlestown*, . . . Edward Sheaffe, Esq.,  
                   Mr. Nathaniel Gorham.  
*Watertown*, . . . Mr. John Remington.  
*Woburn*, . . . Mr. Oliver Richardson.  
*Concord*, . . . Capt. James Barrett.  
*Newton*, . . . Abraham Fuller, Esq.  
*Reading*, . . . Mr. Daniel Putnam.  
*Marlborough*, . . . Mr. Peter Bent.  
*Billerica*, . . . William Stickney, Esq.  
*Frammingham*, . . . Capt. Josiah Stone.  
*Lexington*, . . . Mr. Jonas Stone.  
*Chelmsford*, . . . Mr. Simeon Spaulding.  
*Sherburne*, . . . Mr. Joseph Twitchell.  
*Sudbury*, . . . John Noyes, Esq.  
*Malden*, . . . Capt. Ebenezer Harn-  
                   den.  
*Weston*, . . . Mr. Abraham Bigelow.  
*Medford*, . . . Mr. Benjamin Hall.  
*Hopkinton*, . . . Capt. Joseph Mellen.  
*Westford*, . . . Capt. Joseph Reed.  
*Waltham*, . . . Jonas Dix, Esq.  
*Groton*,  
*Shirley & Pepperrell*, } James Prescott, Esq.  
*Townshend & Ashby*, } Mr. Amos Heald.

## COUNTY OF HAMPSHIRE.

*Springfield & Wilbraham*, { Hon. John Worthington,  
                   Esq.,  
                   Benjamin Day, Esq.  
*N<sup>o</sup> Hampton & S<sup>o</sup> Hampton*, } Joseph Hawley, Esq.  
*Hadley*,  
*South Hadley*, } Mr. Josiah Pierce.  
*Amherst and Granby*, }  
*Hatfield*,  
*Whately & Williamsburgh*, } Hon. Israel Williams,  
                   Esq.  
*Westfield*, . . . Capt. John Moseley.



COUNTY OF HAMPSHIRE — *Concluded.*

<i>Deerfield,</i>	}	Mr. Samuel Hinsdale.
<i>Greenfield,</i>		
<i>Shelburne &amp; Conway,</i>		
<i>Brimfield,</i>		
<i>South Brimfield</i>	}	Mr. Timothy Danielson.
<i>&amp; Monson,</i>		

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	James Warren, Esq.
<i>Scituate,</i>	Mr. Gideon Vinall.
<i>Marshfield,</i>	Capt. Anthony Thomas.
<i>Bridgewater,</i>	Josiah Edson, Esq.
<i>Middleborough,</i>	Capt. Benjamin White.
<i>Rochester,</i>	Mr. Samuel Sprague.
<i>Pembroke,</i>	Josiah Keene, Esq.
<i>Abington,</i>	Capt. Woodbridge Brown.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Daniel Davis, Esq.
<i>Sandwich,</i>	Mr. Stephen Nye.
<i>Yarmouth,</i>	David Thacher, Esq.
<i>Harwich,</i>	Chillingworth Foster, Esq.
<i>Falmouth,</i>	Capt. Joseph Robinson.
<i>Chatham,</i>	Mr. Joseph Doane.

COUNTY OF BRISTOL.

<i>Taunton,</i>	George Godfrey, Esq., Daniel Leonard, Esq.
<i>Rehoboth,</i>	Capt. Joseph Barney.
<i>Swansey, with Shawamset,</i>	Jerathmeel Bowers, Esq.
<i>Dartmouth,</i>	Elisha Tobey, Esq.
<i>Norton and Mansfield,</i>	Dr. George Wheeton.
<i>Attleborough,</i>	Mr. John Daggett.
<i>Dighton,</i>	Elnathan Walker, Esq.
<i>Freetown,</i>	Thomas Gilbert, Esq.
<i>Raynham,</i>	Zephaniah Leonard, Esq.

COUNTY OF YORK.

<i>York,</i>	Thomas Bragdon, Esq.
<i>Kittery,</i>	Edward Cutt, Esq.
<i>Wells,</i>	John Wheelwright, Esq.
<i>Berwick,</i>	Benjamin Chadburne, Esq.
<i>Arundell,</i>	Thomas Perkins, Esq.

COUNTY OF YORK — *Concluded.*

<i>Bideford and Pepperrel-boro',</i>	Jeremiah Hill, Esq.
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IN THE COUNTY OF NANTUCKET.

<i>Sherbourne,</i>	Mr. Stephen Hussey.
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COUNTY OF WORCESTER.

<i>Worcester,</i>	Mr. Joshua Bigelow.
<i>Lancaster,</i>	Capt. Asa Whitcomb.
<i>Mendon,</i>	Mr. Edward Rawson.
<i>Brookfield,</i>	Jedediah Foster, Esq.
<i>Oxford &amp; Charlton,</i>	Edward Davis, Esq.
<i>Sutton,</i>	Capt. Henry King.
<i>Leicester, Spencer and Paxton,</i>	Mr. Thomas Denny.
<i>Rutland, Rutland D., Oakham &amp; Hubbardston,</i>	John Murray, Esq.
<i>Southborough,</i>	Timothy Brigham, Esq.
<i>Westborough, Northborough,</i>	Capt. Stephen Maynard.
<i>Shrewsbury,</i>	Mr. Phineas Heywood.
<i>Lunenburg, Fitchburgh,</i>	Edward Hartwell, Esq.
<i>Uxbridge,</i>	Capt. Ezekiel Wood.
<i>Harvard,</i>	Israel Taylor, Esq.
<i>Bolton,</i>	John Whitcomb, Esq.
<i>Sturbridge,</i>	Mr. Daniel Fisk.

COUNTY OF CUMBERLAND.

<i>Falmouth and Cape Elizabeth,</i>	Jedediah Preble, Esq.
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COUNTY OF LINCOLN.

<i>George Town,</i>	James McCobb, Esq.
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COUNTY OF BERKSHIRE.

<i>Sheffield, Great Barrington and Egremont,</i>	David Ingersol, Jr., Esq.
<i>Stockbridge,</i>	Timothy Woodbridge, Esq. <sup>1</sup>
<i>Pittsfield,</i>	William Williams, Esq.
<i>Williamstown,</i>	Capt. Isaac Searl.

<sup>1</sup> Samuel Brown, Jr., appointed Representative from Stockbridge, April 16, 1772, in place of Timothy Woodbridge now of his Majesty's Council. — House Journal, p. 146, 1771-72.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1771.

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## CHAPTER 1.

### ORDER APPOINTING A COMMITTEE TO COUNTERSIGN THE TREASURER'S NOTES.

In the House of Representatives.

*Ordered* That M<sup>r</sup> Speaker and M<sup>r</sup> Otis with such as may be joined by the hon<sup>ble</sup> Board be a Committee to sign the blanks for the Treasurers notes in pursuance of a Law of this Province passed in the second year of his present majesty's Reign intituled an act for the better securing the possessors of the Province Treasurers notes by enabling the Province Treasurer to give new receipts or obligations in lieu of such notes as are now extant.

In Council, Read and Concurred and James Bowdoin Esq<sup>r</sup> is joined in the affair. [*Passed June 1.*]

Legislative  
Records of the  
Council, xxix.,  
12.

House Jour-  
nal, p. 13.  
Province  
Laws, lv., 516,  
chap. 29.

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## CHAPTER 2.

### VOTE CHOOSING THOMAS CUSHING, ESQ<sup>r</sup>, COMMISSARY GENERAL.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of a Person for purchasing Provisions &c for the several Forts and Garrisons for the present year and upon sorting and counting the Votes, it appeared that Thomas Cushing Esq<sup>r</sup> was unanimously chosen. [*Passed June 5.*]

Legislative  
Records of the  
Council, xxix.,  
14. Mass.  
Archives,  
lxxx., 681.

Legislative  
Records of the  
Council, xxix.,  
11, 14. House  
Journal, p. 20.

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## CHAPTER 3.

### VOTE CHOOSING THOMAS GOLDTHWAIT, ESQ<sup>r</sup>, TRUCKMASTER AT FORT POWNALL.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of a Truckmaster for Fort Pownall for the present year and upon sorting and counting the Votes, it appeared that Thomas Goldthwait Esq<sup>r</sup> was chosen. [*Passed June 5.*]

Legislative  
Records of the  
Council, xxix.,  
14. Mass.  
Archives, cxx.,  
690.

Legislative  
Records of the  
Council, xxix.,  
11, 14. House  
Journal, p. 20.

## CHAPTER 4.

## RESOLVE GRANTING 3,100 ACRES OF LAND TO ASA DOUGLASS &amp; OTHERS.

Legislative  
Records of the  
Council, xxix.,  
16.

Mass.  
Archives,  
xlvii., 593.  
House Jour-  
nal, pp. 14, 21,  
22. *Ante*,  
p. 502, chap. 81.

ON THE PETITION of Asa Douglass and others [for a grant of unappropriated land]

*Resolved* That a Tract of Land lying Southwardly from Williamstown at a place commonly called Jericho containing three thousand one hundred acres of the unappropriated Land of this Province begining at a maple tree the northwardly corner of a Grant of Land laid out to Josiah Dean & others then East 36<sup>d</sup> South one hundred and sixty six Rods to a maple tree: then South 36<sup>d</sup> West one hundred and fifty four rods to a Birch tree, then East 18<sup>d</sup> South one hundred and eighty eight rods to a maple tree, then north 26<sup>d</sup> East two hundred and eighty rods to a stake and Stones, then north 16 deg<sup>s</sup> West one hundred and ninety four rods to a Birch tree, then north 13<sup>d</sup> East two hundred and twenty four rods to a Beach tree, then north 9<sup>d</sup> West twenty one rods and an half to a stake, then north 4<sup>d</sup> East two hundred and eight Rods to a maple tree, then north 29<sup>d</sup> East six hundred and thirty rods to a maple tree, then north 18<sup>d</sup> East ninety seven Rods to a maple tree, then north 42<sup>d</sup> & 30<sup>m</sup> East fifty two rods to a Stake and Stones standing in the South line of Williamstown; then West 10<sup>d</sup> north three hundred and fifty rods to a Stake and Stones, then South 30<sup>d</sup> West ninety eight rods to a Birch tree, then South 10<sup>d</sup> West one hundred and ninety four rods to a Stake and Stones, then South 39<sup>d</sup> & 30<sup>m</sup> West three hundred and twenty rods to a Beach tree, then South 13<sup>d</sup> West five hundred and seven rods to a stake and stones, then West fifteen degrees north fifty rods to a Beach tree, then South 19<sup>d</sup> West four hundred & fourteen rods to a Beach tree, then South 25<sup>d</sup> East eighty rods to a Stake and Stones, then north seventy three degrees East thirty five rods to a black Oak tree, then north 36<sup>d</sup> East one hundred and sixty rods to the first mentioned Station, be Quit claimed to Benjamin Davis, Clark Rogers, Samuel Crippen Asa Douglass, Christopher Kennian, Martin Townsend, Ambrose Clothier, Amason Townsend, John Clothier, Jesse Squire, John Whalen, Samuel Squire, Samuel Mallery and Wheeler Douglass in such proportion as is contained in a Plan taken by Thomas Williams Surveyor; provided the same do not exceed the quantity of three thousand and one hundred acres and do not interfere with any former Grant; and provided the said Asa Douglass shall give sufficient security to the Province Treasurer for the use of this Province for the Sum of One hundred and fifty five pounds which is at the rate of one shilling p<sup>r</sup> acre, with Interest after the expiration of one year and also pay as aforesaid the Sum of forty shillings being the cost which the Province paid to a Committee to view the same. And in case the said Benjamin Davis and others shall not pay the said Asa Douglass their several proportions of said Sum at the rate aforesaid with Interest in one year, the Right which this Province hath to such delinquents part shall be to the said Asa Douglass in case he shall pay as aforesaid. [*Passed June 5.*]

## CHAPTER 5.

RESOLVE IMPOWERING SAM<sup>l</sup> COLLINS, ADMINISTRATOR, TO SELL REAL ESTATE.

A PETITION of Samuel Collins administrator of the Estate of Samuel Fowler jun<sup>r</sup> late of Hampton Falls in the Province of New-hampshire Yeoman deceased Intestate Setting forth That the Real & Personal Estate of the said Intestate is insufficient to pay his just debts That the said Intestate died siezed of a piece of Salt marsh containing about four acres lying at a place called Pine Island in Salisbury in this Province in partnership with one Thomas Fowler: and praying that he may be impowered to make sale of the said Intestates interest in the piece of Salt marsh aforesaid; he to be accountable.

[Read and]

*Resolved* that the prayer of the Petition be granted, and the Petitioner be and hereby is fully impowered in his said capacity of administrator to make sale of the whole of the Real Estate in said Petition mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds in the Law; he observing the directions of the Law relating to Executors and administrators in the sale of Real Estates, and first giving caution to the Judge of Probate for the Province of Newhampshire that the proceeds of said sale be applied for paying the just debts of the said deceased, and that he be accountable to the said Judge of Probate for the remainder of the proceeds arising by said sale, if any there be. [*Passed June 6.*]

Legislative  
Records of the  
Council, xxix.,  
21.

House Jour-  
nal, pp. 22, 29.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 6.

RESOLVE IMPOWERING BENJ<sup>a</sup> BRADBURY, ADMINISTRATOR, TO SELL REAL ESTATE.

A PETITION of Benjamin Bradbury of Salisbury in the County of Essex administrator of the Estate of Jacob Bradbury late of Dudley in the County of Worcester deceased Setting forth That the said deceased died siezed of certain Real Estate in said Dudley and that the Petitioner and twenty other persons living in different remote parts of this Province and the Province of Newhampshire, some of whom are minors, are the lawful Heirs of said Intestates Estate and are all desirous that the same should be sold, as it will not admit of a Division among them without prejudice thereto: And praying that he may be impowered to make sale of the same accordingly; he to be accountable.

[Read and]

*Resolved* that the prayer of the Petition be granted, and the Petitioner is hereby fully impowered in his said capacity of administrator to make sale of the whole of the Real Estate in said Petition mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds in the Law for the same; he first posting up notifications of the time and place of sale agreeable to the Law relating to Executors & administrators in the sale of Real Estates and giving caution to the Judge of Probate for the County

Legislative  
Records of the  
Council, xxix.,  
22.

House Jour-  
nal, pp. 22, 27.  
Province  
Laws, ii., 151,  
chap. 10.

of Worcester that the proceeds of said sale be applied for the use of the Heirs of the said Jacob Bradbury as the Law directs. [*Passed June 6.*]

## CHAPTER 7.

### RESOLVE ALLOWING £13. 10 ANNUALLY TO JOHN BROCK.

Legislative  
Records of the  
Council, xxix.,  
24. Mass.  
Archives,  
lxxx., 683.

Mass.  
Archives,  
lxxx., 682.  
Legislative  
Records of the  
Council,  
xxviii., 394.  
House Jour-  
nal, p. 200  
(1770-71);  
pp. 12, 13, 28.  
Province  
Laws, xv., 672,  
chap. 360.

A PETITION of John Brock Setting forth That he has spent about fifty years of his life in the service of the Province at Castle William That he has received from the Province a comfortable subsistence which he most gratefully acknowledges That having no Children, nor any near relations he has not been anxious to save any money to leave behind him at his death, but as he received it, so he has from time to time made use of it not in extravagance or unnecessary expence, but as he thought it most agreeable to his duty That he flattered himself he should die in his Station and lay his bones in the place where he had spent so great a part of his life: But to his great grief, late in the Evening of life he was dismissed from the Castle; has been forced to cast himself upon the care of a poor Widow to the Education of whose Child he had contributed, and who in grateful return is now distressing herself to relieve him. And praying relief from this Court.

[Read and]

*Resolv'd*, that there be Allow'd & paid out of the publick Treasury to John Brock the Petitioner the Sum of Thirteen pounds Ten Shillings Lawfull money yearly & every year untill the further order of this Court, said yearly pay to be Estimated from the 20<sup>th</sup> day of December 1770, being the Time to which the late Garrison of Castle William were paid up. [*Passed June 6.*]

## CHAPTER 8.

### RESOLVE ALLOWING W<sup>m</sup> COVELL £4 ANNUALLY FOR FOUR YEARS.

Legislative  
Records of the  
Council, xxix.,  
28. Mass.  
Archives,  
lxxx., 680.

Mass.  
Archives,  
lxxx., 680.  
House Jour-  
nal, pp. 18, 30,  
31. *Ante*,  
p. 247, chap. 45.

A PETITION of William Covell of Wellfleet Setting forth That the General Court in the year 1767 granted him a Pension of four pounds to be paid yearly for the term of four years in consideration of his poverty and of a Lameness he contracted by means of a wound he received in the Service of the Province in the Expedition against Louisbourg in the year 1745 That the said four years are now expired and he still continues lame and in necessitous circumstances and praying further relief.

[Read and]

*Resolved* that there be allowd & paid out of the Province Treasury into the Hands of the overseers of the District of Wellfleet for the Use of the Petitioner at their Discretion the Sum of four pounds yearly, for four years from this Date. [*Passed June 7.*]



## CHAPTER 9.

RESOLVE GRANTING 100 ACRES OF LAND EACH TO EBEN<sup>B</sup> & JOEL TRUMBLE.

A PETITION of Ebenezer Trumble Setting forth That the General Court about three years ago granted to him and his Son Joel Trumble each one hundred acres of the Province Land in the Greenwood in the Western part of the Province on which they had settled and made improvements, upon condition of their paying a certain Sum and returning a Plan of the said Land within one year from that time That they have been prevented from returning a Plan thereof until this time: and praying that the same may be confirmed notwithstanding.

Read and

*Resolved* that the prayer of the Petition be granted and that there be and hereby is granted to the Petitioner and Son Joel Trumble to each of them one hundred acres of Land as laid out in the Plan exhibited with this Petition; they the said Ebenezer and Joel Trumble giving their obligation with one or more sufficient Sureties to the Province Treasurer for the Sum of thirteen pounds, six shillings and eight pence to be paid within one year from the date hereof. [*Passed June 8.*]

Legislative  
Records of the  
Council, xxix.,  
30.

House Jour-  
nal, pp. 29, 31.  
*Ante*, p. 339,  
chap. 15.

## CHAPTER 10.

## ORDER WITH STAY OF EXECUTION IMPOWERING THE SUPERIOR COURT OF JUDICATURE TO HEAR THE PETITION OF SETH ADAMS, ADMINISTRATOR.

A PETITION of Seth Adams administrator of the Estate of Jon<sup>a</sup> Lowder late of Boston in the County of Suffolk Gent<sup>a</sup> deceased Setting forth That at an Inferior Court of Common pleas held at Boston aforesaid on the first Tuesday of October last John Hambleton & al<sup>s</sup> Exec<sup>ts</sup> of the last Will & Testament of Otho Hambleton late of Placentia in Newfoundland Esq<sup>r</sup> deceased, brought an action of Ejectment against the Petitioner on a mortgage given by the said Jonathan to the said Otho. That the Petitioners attorney at the same Term appeared and caused the same action to be minuted by the Clerk of the said Court as an action to be demurred That his said attorney appealed the same action to the then next Superior Court to be holden at said Boston and accordingly entered the same action in the said Court, expecting then to have been heard in Chancery and to have made it appear that several hundred pounds had been paid which had not been endorsed on the Bond or mortgage, but to the Petitioners, as well as his attorneys, surprize the same action was by some means, at the Inferior Court, defaulted. And praying that Execution may be staid 'till the next Superior Court to be holden at Boston on the last Tuesday of August next, and that the same Court may be empowered then to hear the Petitioner in Chancery, the default aforesaid notwithstanding.

The Committee appointed the 6<sup>th</sup> instant on the Petition of Seth Adams, made Report; whereupon the following Order passed viz<sup>t</sup>

Read and accepted and

*Ordered* that the prayer of the Petition be so far granted as that

Legislative  
Records of the  
Council, xxix.,  
xxviii., 519;  
xxix., 31.

Legislative  
Records of the  
Council, xxix.,  
22. House  
Journal, pp. 27,  
32.

the Justices of the Superior Court of Judicature &c next to be holden at Boston in and for the County of Suffolk be and hereby are fully impowered and directed to hear said Cause in Chancery as fully to all intents and purposes whatsoever as if the same had regularly and legally come before them upon a regular plea made either at the Inferior Court or at the Superior Court supposing the case had gone up by demurrer and by consent a new plea had been there made, make up Judgment and award Execution thereon, and that Execution be suspended in the mean time; provided the Petitioner enter said action at said Superior Court; he giving the respondent fourteen days notice of his intention and of this order. [*Passed June 8.*]

## CHAPTER 11.

### RESOLVE GRANTING A TOWNSHIP TO DAVID PHIPS, ESQ<sup>r</sup>, AND OTHERS.

Legislative  
Records of the  
Council, xxix.,  
33. Mass.  
Archives,  
cxviii., 537.

Mass.  
Archives,  
cxviii., 538, 539.  
Maps and  
Plans, Mis.,  
xiv., 13.  
Legislative  
Records of the  
Council, xxix.,  
13. House  
Journal,  
pp. 142, 182  
(1769-70);  
pp. 199, 233, 234  
(1770-71);  
pp. 18, 19, 36.

A PETITION of David Phips Esq<sup>r</sup> and others Setting forth That their ancestors were in the Expedition against Canada in the year 1690 in which they underwent great hardships and difficulties; That neither they nor their ancestors ever received any compensation therefor, altho' others in the same Expedition have long since been compensated. And praying for a Grant of a Tract of Land for a Township for the Services and sufferings aforesaid.

The Committee to whom was referred the Petition of David Phips Esq<sup>r</sup> and others praying for a Township in consideration of their ancestors being in the Expedition against Canada in the year 1690 have attended that service and find that the Petitioners are the descendants and legal Representatives of sundry persons in the Expedition aforesaid and that they nor their ancestors have not as yet received any Grant for the hardships and burdens sustained by their ancestors aforesaid in said Expedition as all others have done who have regularly applied to the General Court for the same therefore are of the opinion that the following Resolve pass.

[Read and]

*Resolved* that there be granted to David Phips Esq<sup>r</sup> and others Mentioned in the Petition a Township of the Contents of Six Miles & Three Quarters Square to be laid out adjoining to some former Grant in the unappropriated Lands in this Province to the Eastward of Saco-River provided the Grantees within Seven Years Settle Eighty Families in said Township Build a House for the public Worship of God and Settle a Learned Protestant Minister and lay out one Eighty furth Part for the first Settled Minister, one 84<sup>th</sup> part for the Ministry one 84<sup>th</sup> part for the Use of a School in s<sup>d</sup> Township and one 84<sup>th</sup> part for the use of Harvard-College forever provided also that they return a Plan thereof Taken by a Surveyor and Chainmen under Oath into this Court within Twelve Months. [*Passed June 11.*]

## CHAPTER 12.

## RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO CAPT JOSHUA FULLER AND OTHERS.

A PETITION of Joshua Fuller and others Setting forth That some of them and the predecessors of the others, obtained a Grant from the General Court of a Township, several years since, which was laid out between the Rivers Connecticut and Merrimack, but that, having expended large Sums of money in bringing forward the Settlement thereof, the same fell into the Province of New-hampshire, on running the Line between this Province and that: and praying for the Grant of a Township in lieu thereof.

The Committee to whom was referred the Petition of Cap<sup>t</sup> Joshua Fuller and others praying for a Township of Land in lieu of a Township granted to them and their ancestors in the year 1736 which Township was cut off by the running of the Line between this Province and Newhampshire, have attended that service and find the facts set forth in said Petition are true, and that they had entered upon the settlement of said Township and expended therein Six pounds, ten shillings old tenor for each Right amounting to £390 One hundred and eighty pounds of which was paid to the Government; therefore are of opinion that the following Resolve pass.

*Resolved*, That there be granted to Cap<sup>t</sup> Joshua Fuller and others mentioned in the Petition a Township of the Contents of Six Miles and One Quarter square to be laid out adjoining to some Former Grant in the Unappropriated Land in this Province to the Eastward of Saco-River. PROVIDED the Grantees within Seven Years settle Sixty Families in said Township, Build a House for the public Worship of God and Settle a Learned Protestant Minister, and lay Out one 64<sup>th</sup> part for the First Settled Minister, One 64<sup>th</sup> part for the Ministry, One 64<sup>th</sup> part for the use of a School and one 64<sup>th</sup> [part]<sup>1</sup> for the Use of HARVARD-COLLEGE forever PROVIDED Also they<sup>2</sup> return a Plan thereof Taken by a Surveyor and Chainmen under Oath<sup>2</sup> into this Court within Twelve Months for Confirmation.<sup>2</sup> [*Passed June 11.*]

Legislative  
Records of the  
Council, xxix.,  
34. Mass.  
Archives,  
cxviii., 540.

Mass.  
Archives,  
cxviii., 410-413.  
House Jour-  
nal, pp. 18, 19,  
37. Province  
Laws, xlii., 226,  
chap. 230.  
*Ante*, p. 43,  
chap. 82.

## CHAPTER 13.

RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO SAM<sup>l</sup> LIVERMORE, ESQ<sup>r</sup>, AND OTHERS.

A PETITION of Samuel Livermore Esq<sup>r</sup> and others in behalf of the Proprietors of a Township granted to Nathaniel Harris Esq<sup>r</sup> and others in the year 1736 as a Gratuity for their Service in the Reduction of Port Royal Setting forth That, having expended large Sums of money in laying out and bringing forward the settlement of the said Township, on the settlement of the Line between this Province and the Province of New Hampshire, the same fell into the last mentioned Province: and praying for the Grant of a Township in lieu thereof.

The Committee to whom was referred the Petition of Samuel Livermore Esq<sup>r</sup> and others have enquired into the facts therein set

Legislative  
Records of the  
Council, xxix.,  
35. Mass.  
Archives,  
cxviii., 536<sup>a</sup>.

Mass.  
Archives,  
cxviii., 469.  
House Jour-  
nal, pp. 18, 19,  
36, 37. Prov-  
ince Laws,  
xlii., 226, chap.  
230. *Ante*,  
p. 43, chap. 82.

<sup>1</sup> Inserted from Legislative Records of the Council, xxix., 35.

<sup>2</sup> Manuscript mutilated.

forth and Judge them to be true, are therefore of opinion that the following Resolve pass.

*Resolved*, that the prayer of this Petition be granted and that there be Granted to the Petitioners and to the Assigns or Legal Representatives of the Original Grantees in the said Petition mentioned their Heirs and Assigns a Township of the Contents of Six Miles and three Quarters Square in some of the unappropriated Lands in the Province of Main to the Eastward of Saco-River adjoining to Some former Grant to Satisfie the Grant of a Township therein Mentioned which they Lost by the running of the Line Between this Province and the Province of New Hampshire and that the Petitioners at the Cost of Themselves and their Associates Cause the same to be Laid out by a Skilful Surveyor and Chainmen under Oath and return a Plan of the same to this Court for their Acceptance within Twelve Months. and the said Grantees shall hold the same to themselves their Heirs and Assigns forever upon the following Conditions, viz<sup>t</sup> that the Grantees within Seven Years Settle Sixty Families in said Township, Build a House for the Public Worship of God and Settle a Learned Protestant Minister and lay out one 64<sup>th</sup> part for the first Settled Minister, one 64<sup>th</sup> part for the Ministry One 64<sup>th</sup> part for the use of a School and one 64<sup>th</sup> part for the use of Harvard College forever. [*Passed June 11.*]

## CHAPTER 14.

### RESOLVE ALLOWING £50 TO THE LIEUT. AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xxix.,  
36. Mass.  
Archives,  
lxxx., 684.

House Jour-  
nal, pp. 18, 38.

*Resolved* that there be Granted & allowed to be paid out of the Public Treasury the Sum of Fifty pounds to John Phillips Esqr Lieutenant of his Majesty Garrison at Castle William in full Consideration of his faithfull discharge of that Trust for one year. [*Passed June 11.*]

## CHAPTER 15.

### RESOLVE ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xxix.,  
36. Mass.  
Archives, xiv.,  
683.

House Jour-  
nal, pp. 18, 39.

*Resolved* that there be granted & allowed to be paid out of the Public Treasury the Sum of Forty pounds to Stephen Hall who officiated as Chaplain at Castle William in Consideration of his faithfull Discharge of that Trust for one Year. [*Passed June 11.*]

## CHAPTER 16.

### RESOLVE GRANTING 800 ACRES OF EQUIVALENT LAND TO BENJ<sup>A</sup> PRESCOTT, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xxix.,  
36.

ON THE PETITION of Benjamin Prescott Esq<sup>r</sup> Whereas it appears to this Court that the Petitioner has lost the several Tracts or parcels of Land mentioned in said Petition by the late runing of the

Province line; that the Petitioner has, since he preferred said Petition been compensated for all the Lands mentioned in said Petition lying in Townshend by a Grant that was made to the Proprietors of Townshend in April 1771 and whereas it appears that the Petitioner lost about eight hundred acres of Land mentioned in said Petition viz<sup>t</sup> one eighty acre lot in New Ipswich being house lot N<sup>o</sup> one in the South division purchased of John Patt,<sup>1</sup> and two Rights in a Township called N<sup>o</sup> one, lying near Winchester containing seven hundred and twenty acres purchased of Benjamin Gould originally drawn by Thomas Kidder of Billerica and John Page of Lunenburg: Therefore

House Journal, pp. 19, 27, 28, 35. *Ante*, p. 43, chap. 82; p. 514, chap. 104.

*Resolved* that there be granted to Benjamin Prescott Esq<sup>r</sup> his Heirs and assigns eight hundred acres of the unappropriated Land belonging to this Province adjoining to some former Grant in full consideration for the same, and that he return a Plan thereof taken by a Surveyor and Chainmen under Oath into the Secretarys office within twelve months for Confirmation. [*Passed June 11.*]

## CHAPTER 17.

### RESOLVE ADJOURNING COURTS IN BARNSTABLE COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas by Law are to be holden at Barnstable in and for the County of Barnstable on the last Tuesday of June instant and whereas a number of the Justices of the said Courts who are members of the General Court will be unable to attend their duty here by reason of their being obliged to attend the first named Courts, provided they should be held at the time aforesaid; therefore

Legislative Records of the Council, xxix., 40.

House Journal, p. 41. Province Laws, iv., 737, chap. 20.

*Voted* and

*Resolved* That the said Court of General Sessions of the peace and Inferior Court of Common pleas be and hereby are adjourned to the second Tuesday of July next, and that every matter or thing that might have had day in the same Courts provided that they had not been adjourned, shall have day on said adjournment and be acted upon to final Judgment and Execution to all intents and purposes as fully as if no adjournment had taken place. [*Passed June 12.*]

## CHAPTER 18.

### RESOLVE IMPOWERING THE GUARDIANS OF THE CHILDREN OF ABIGAIL RICHARDSON TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Ruck and others Children and Heirs of Abigail Richardson late of Reading deceased Praying that they may be empowered to make sale of certain Real Estate derived to them from their Grandfather Henry Merrow deceased; their said Grandfather having restricted them from selling the same to any other person than to one or other of themselves notwithstanding; and that the proceeds thereof may be divided among them agreeable to the Will of their said Grandfather.

Legislative Records of the Council, xxix., 40.

House Journal, pp. 234, 240 (April, 1771); p. 42. Province Laws, ii., 151, chap. 10.

<sup>1</sup> John Pratt? See History of Hillsborough Co., New Hampshire, p. 614.



The foregoing Petition having been Read, and it appearing from the declaration of the writer of the Testators last Will, and from other Evidence, that the sole reason which induced the Testator to make the restriction in his said Will, as mentioned in the Petition, was the danger he apprehended there was that his Son in Law, Father of the Petitioners, would mispend what might otherwise happen to come into his hands, which reason has some time since ceased; and as the Estate in said Petition mentioned cannot be divided among all the Devises: therefore

*Resolved* that the prayer of the Petition be granted, and that the Guardians of such of the Children of Abigail Richardson therein named as are in their minority, together with her other Children be and they are hereby authorized and impowered to make sale of the whole of said Estate, and to execute a good and sufficient Deed or Deeds thereof to such Person or Persons as shall bid most for the same; they observing the directions of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that such part of the proceeds as shall of right belong to those of them who are minors, be put out on Interest for their benefit, and that both principal and Interest be paid to them or such as shall legally represent them, as they shall severally arrive to lawful age or at marriage. [*Passed June 12.*]

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## CHAPTER 19.

### RESOLVE IMPOWERING THE ASSESSORS OF THE DISTRICT OF NEW SALEM TO SELL LANDS OF DELINQUENT PROPRIETORS.

Legislative  
Records of the  
Council, xxix.,  
43.

House Jour-  
nal, pp. 31, 40,  
45. Province  
Laws, xvii.,  
585, chap. 163.

A PETITION of Samuel Kendall agent for the District of New Salem Setting forth That on the 19<sup>th</sup> of January 1765 the General Court were pleased by their Order to lay a Tax of Twenty pounds ~~p~~ annum upon all the unimproved Lands of nonresident Proprietors, within said District, for the term of five years, to be appropriated as is therein mentioned, to be equally assessed by the assessors of said District on all the aforesaid Lands and to be collected by the Constables or Collectors that should be chosen for said District or by any other Person they should appoint for that purpose, but a doubt has arisen whether the assessors by force of said order were impowered to make sale of the Lands of delinquent Proprietors or in any other way to enforce the payment of said Tax; by reason whereof and of the neglect and refusal of sundry Proprietors to pay the same the order aforesaid has been rendered useless in a great measure: and praying relief.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the assessors of the District of New Salem be impowered, and they are hereby impowered accordingly to make public Sale of so much of the unimproved Lands of such delinquent Proprietors as shall be sufficient to pay their respective proportions of the Tax of Twenty pounds per annum (in the year 1765 laid on the nonresident Proprietors of said District for the term of five years) together with the necessary charges of sale; giving notice thereof at least three months before the sale by publishing the same in the Boston Gazette



published on Monday and the Massachusetts Gazette published on Thursday and by posting up one or more notifications of the intended sale in some public place or places within the District of New Salem; and if said Tax shall not be paid within the term aforesaid, the said assessors shall proceed to make sale as aforesaid; saving to any delinquent Proprietor a liberty for redemption of his Land so sold, he paying to the Treasurer of said District (for the use for which said Tax was granted) within one year next after such sale, the Sum for which his Land shall have been sold, together with double damages until the same be redeemed. [*Passed June 13.*]

## CHAPTER 20.

### ORDER ALLOWING £40 TO DAVID INGERSOLL.

A PETITION of David Ingersoll of Great Barrington Praying an allowance, to discharge his account for supplying sundry Sick Soldiers, and others in distressed circumstances with necessaries, on their return from the army in the years 1759 and 1760 he being then an Innholder at Spencertown;<sup>1</sup> the said account amounting to £102.8.5.

[Read and]

*Ordered* that the Treasurer or Receiver General of this Province be and hereby is directed to pay out of the public Treasury to David Ingersoll jun<sup>r</sup> Esq<sup>r</sup> for the use of the Petitioner the Sum of Forty pounds in full satisfaction of his account referred to in said Petition. [*Passed June 14.*]

Legislative  
Records of the  
Council, xxix.,  
46.

Mass.  
Archives,  
lxxx., 675.  
House Jour-  
nal, pp. 29, 42.

## CHAPTER 21.

### RESOLVE ALLOWING £25 TO SAM<sup>L</sup> FREEMAN.

A PETITION of Samuel Freeman of Falmouth in the County of Cumberland Setting forth That in March 1770 he made Information to Enoch Freeman Esq<sup>r</sup> one of his Majestys Justices of the peace for the County aforesaid against Benjamin Blake and Ephraim Stillman charging them with the offence of Counterfeiting and uttering as true, certain Coin, then current in the Province; whereupon the said Justice bound them over to the then next Superior Court to be held for the said County to answer therefor; of which offence they were at the said Court Convicted That he hath made application to the Governor and Council for a Reward of £25 for bringing each of the said offenders to Conviction agreeable to a Law of the Province, but as the Law expired a few days before the said offenders were Convicted, tho' in force when they were apprehended, the Council did not grant the prayer of his Petition: and praying that he may be allowed and paid out of the public Treasury the Reward above-mentioned; the expiration of the said Law notwithstanding.

[Read and]

*Resolved* that there be allowed and paid out of the public Treasury to Samuel Freeman of Falmouth in the County of Cumberland merchant the Sum of Twenty five pounds for Informing against

Legislative  
Records of the  
Council, xxix.,  
48.

House Jour-  
nal, pp. 32, 48.  
Province  
Laws, lii., 499,  
chap. 23; iv.,  
370, chap. 5.

<sup>1</sup> In New York.

and bringing to Conviction one Benjamin Blake for deceitfully uttering on the 27 day of March 1770 six pieces of counterfeit Coin made of Pewter, as true pieces of Silver Coin commonly called Pistereens being a Coin then current in this Province; and the further Sum of Twenty five pounds for informing against and bringing to Conviction one Ephraim Stillman for forging counterfeiting and making on the last day of January 1770, of Pewter twenty false, forged and counterfeited pieces of Coin in the likeness and imitation of the true Silver, commonly called Spanish mill'd pieces of Eight the currency whereof was then regulated and established by the Laws of this Province, with intent to utter the same as true. [*Passed June 14.*]

## CHAPTER 22.

### RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO JAMES OTIS, ESQ<sup>s</sup>, AND OTHERS.

Legislative  
Records of the  
Council, xxix.,  
49.

Mass.  
Archives,  
cxviii., 72, 144.  
House Jour-  
nal, pp. 50, 51.  
Province  
Laws, xii., 325,  
chap. 146.  
*Ante*, p. 43,  
chap. 82.

ON THE PETITION of the hon<sup>ble</sup> James Otis and M<sup>r</sup> Nathaniel Gorham in behalf of themselves and the rest of the Heirs and assigns of Captain John Gorham and others, to whom was granted a Township of six miles square in consideration of their sufferings and Services in the Expedition against Canada in 1690, which Township (a small part only excepted) fell within the Government of Newhampshire on running the Line between this Province and Newhampshire, and the part excepted remained to this Province, for which they have received no consideration, excepting eight shares which was purchased by the late Col<sup>o</sup> Blanchard of some of the Grantees, and for which he the said Blanchard, as it is apprehended, received a consideration from the Province of Newhampshire, and is therefore excluded.

[Read and]

*Resolved*, That in lieu thereof there be granted a Township of Lands to the Petitioners and legal Representatives or assigns of said Cap<sup>t</sup> John Gorham and his Company excepting the eight shares aforesaid and in lieu of those eight shares there be admitted the following persons who have lost their Rights by the running of the Line in other Townships, be and are placed by the Committee in this Township, which is to consist of seven miles square viz<sup>t</sup> William Blair Townshend Esq<sup>r</sup> in the right of Cap<sup>t</sup> Mosely; the Rev<sup>d</sup> M<sup>r</sup> Hull Abbot in the right of Richard Way, Deacon Jonathan Williams in the right of his Father Jonathan Williams, John Williams in the right of Caleb Stedman one share each, all in Narraganset Number five; James Prescott and others the Heirs of Benjamin Prescott Esq<sup>r</sup> for two shares in a Township called Suncook; Nathaniel Parker for one share lost in said Suncook in the original Right of Benjamin Parker; and to the said Nathaniel Parker in the right of Joseph Lakin for a share of Land in a Town called Tyngs Town; which with the public Lots make the complement of Sixty four shares, in the unappropriated Lands belonging to this Province; provided that the Grantees within six years settle thirty Families in the said Town, build a meeting house and settle a learned Protestant Minister, and lay out one sixty fourth part of said Township for the use of the first settled minister, and one other sixty fourth part for the ministry and one other sixty fourth part for a Grammar School and one

sixty fourth part for the use of Harvard College. And return a plan into the Secretaries office taken by a Surveyor and Chainmen under Oath within twelve months for confirmation. Provided also that the said Township be laid out in such a part of the unappropriated Lands belonging to this Province adjoining to some former Grant to the Eastward of Saco River, and that they return a plan thereof into the Secretary's office within twelve months from this day for confirmation. [*Passed June 15.*]

## CHAPTER 23.

RESOLVE IMPOWERING THO<sup>S</sup> ASPINWALL, ADM<sup>R</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Aspinwall administrator of the Estate of Samuel Aspinwall late of Brookline in the County of Suffolk deceased Setting forth That the Personal Estate of the said deceased is insufficient to pay his just debts by the Sum of £217.5.5¾ and that the Real Estate, consisting of a dwelling house and fifteen acres of Land, is appraised at £324 and is so situated that the sale of part thereof will be a great prejudice thereto and praying that he may be empowered to make sale of the whole of the said Real Estate; the proceeds whereof, after payment of the debts, to be applied for the benefit of the Heirs of the deceased.

Legislative  
Records of the  
Council, xxix.,  
51.

House Jour-  
nal, pp. 37, 52,  
53. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to sell the whole of the Real Estate in his Petition mentioned for the most the same will fetch; he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale shall be first applied for the payment of the debts of the deceased and that the residue thereof shall be applied for the benefit of the Heirs of the deceased, in which case the Deed or Deeds by him made to the purchaser or purchasers of the same shall be good and valid to convey the said Real Estate. [*Passed June 15.*]

## CHAPTER 24.

RESOLVE IMPOWERING SETH HASTINGS AND EBENEZER ELIOT, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Seth Hastings and Ebenezer Eliot Setting forth That Thomas Soden late of Cambridge deceased by Will devised to his Son Samuel Soden one moiety of his Buildings and several pieces of Land in Cambridge; the one half of the other moiety he gave to his Grandson William Soden Hastings and in case of his decease to the rest of his daughter Hasting's Children; and the remaining half of the said moiety he gave to the surviving male Heirs of his daughter Eliot That upon a Division of the premises it appears that the fencing the several parts will be attended with great charge, and the said Children while in their minority will receive but little profit

Legislative  
Records of the  
Council, xxix.,  
52.

House Jour-  
nal, pp. 40, 52.  
Province  
Laws, ii., 151,  
chap. 10.

by said Estate That the said Samuel Soden is desirous of joining with the Petitioners (who are Guardians of the Heirs aforesaid) in the sale of the whole of the said premises, which will sell to greater advantage, than in seperate parcels. And praying that they may be impowered to make Sale of the Real Estate devised to the Grand Children of the deceased as aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners in their aforesaid capacity be and hereby are impowered to make sale of that moiety of the said deceaseds Real Estate that he gave to his Grand-children aforementioned, for the most the same will fetch, and to make and execute a good Deed or Deeds of conveyance in Law of the same to the purchaser or purchasers; they observing the directions of the Law relating to Executors and administrators for the sale of Real Estates and giving caution to the Judge of Probate for the County of Middlesex that the proceeds of said sale be applied to the use and for the benefit of such of the Legatees mentioned in the Will aforesaid, as said premises would belong to, had they not been sold. [*Passed June 15.*]

## CHAPTER 25.

### RESOLVE REMITTING TO THE TOWN OF WESTFORD £8 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxix.,  
53. Mass.  
Archives,  
cxviii., 531.

A PETITION of Joseph Read in behalf of the Town of Westford Setting forth That a Fine was laid on them of Eight pounds for not sending a Representative to the General Court the last year and as the said Town was at the expence of Building a new Meeting house the last year, Praying that the said Fine may be remitted.

[Read and]

*Resolved* that the prayer of this Petition be granted & that there be allowd & paid out of the Province Treasury to M<sup>r</sup> Joseph Read for the Use of the said Town of Westford the sum of Eight pounds accordingly. [*Passed June 18.*]

Mass.  
Archives,  
cxviii., 530.  
House Jour-  
nal, p. 29.  
Province  
Laws, v., 95,  
chsp. 7; 142,  
note.

## CHAPTER 26.

### RESOLVE REMITTING TO THE TOWN OF SHERBORN £6 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxix.,  
54. Mass.  
Archives,  
cxviii., 527.

A PETITION of Joseph Twitchel in behalf of the Town of Sherbourn Setting forth That a Fine of Six pounds was laid on them for not sending a Representative to Court the last year and as the said Town was at great expence in rebuilding their meeting house and in settling a minister the last year Praying that the said Fine may be remitted.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted and that there be allowd & paid out of the Treasury of the province the sum of Six pounds to M<sup>r</sup> Joseph Twitchel for the Use of the said Town of Sherburne. [*Passed June 18.*]

House Jour-  
nal, p. 39.  
Province  
Laws, v., 95,  
chap. 7; 142,  
note.

## CHAPTER 27.

RESOLVE REMITTING TO THE TOWN OF SOUTHBOROUGH £5 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Timothy Brigham in behalf of the Town of Southborough Setting forth That a Fine of five pounds was laid on them for not sending a Representative to Court the last year and as the said Town was, the last year, at greater expence than usual in supporting their poor, in making & repairing Bridges and Roads Praying that the said Fine may be remitted.

[Read and]

*Resolved* that the prayer of this petition be granted & that there be allowd & paid out of the province Treasury to Timothy Brigham Esq<sup>r</sup> for the Use of the said Town of Southbro the sum of five pounds accordingly. [*Passed June 18.*]

Legislative  
Records of the  
Council, xxix.,  
54. Mass.  
Archives,  
cxviii., 529.

Mass.  
Archives,  
cxviii., 528.  
House Jour-  
nal, p. 30.  
Province  
Laws, v., 100,  
chap. 7; 142,  
note.

## CHAPTER 28.

RESOLVE REMITTING TO THE TOWN OF CHELSEA £7 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Thomas Pratt in behalf of the Town of Chelsea Setting forth, the smallness of the said Town, and the poverty of its Inhabitants: and praying that a Fine of Seven pounds laid on them the last year for not sending a Representative to Court may be remitted.

[Read and]

*Resolved* that the prayer of this Petition be granted and that there be allowd & paid out of the Province Treasury to M<sup>r</sup> Thomas Prat for The Use of said Town of Chelsea the Sum of seven pounds accordingly. [*Passed June 18.*]

Legislative  
Records of the  
Council, xxix.,  
54. Mass.  
Archives,  
cxviii., 525.

Mass.  
Archives,  
cxviii., 286, 523.  
House Jour-  
nal, p. 30.  
Province  
Laws, v., 93,  
chap. 7; 142,  
note.

## CHAPTER 29.

RESOLVE REMITTING TO THE TOWN OF GEORGETOWN £10 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of James M<sup>c</sup>Cobb in behalf of the Town of George Town<sup>1</sup> Setting forth That a Fine of Ten pounds was laid on them for not sending a Representative to Court the last year and as the Inhabitants of said Town were in very distressing circumstances the last year occasioned by the destruction of their Grass by Worms; many Persons having thereby lost four fifths of their Crops and in consequence a great part of their Stock of Cattle in the Spring, by which means they were greatly impoverish'd Praying that the said Fine may be remitted.

[Read and]

*Resolved* that the prayer of this pet<sup>r</sup> be granted & that there be allowd & paid out of the publick Treasury the sum of Ten pounds into the Hands of James M<sup>c</sup>Cobb Esq<sup>r</sup> for the Use of the said Town of George Town accordingly. [*Passed June 18.*]

Legislative  
Records of the  
Council, xxix.,  
55. Mass.  
Archives,  
cxviii., 522.

Mass.  
Archives,  
cxviii., 521.  
House Jour-  
nal, p. 39.  
Province  
Laws, v., 101,  
chap. 7; 142,  
note.

<sup>1</sup> Lincoln County, Maine.



## CHAPTER 30.

RESOLVE IMPOWERING ABIJAH BURRAGE & JN<sup>O</sup> BURRAGE, GUARDIAN,  
TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxix.,  
55.

House Jour-  
nal, pp. 46, 55.

A PETITION of Abijah Burrage of Lynn in the County of Essex, and of John Burrage of said Lynn Guardian of Josiah Burrage of Lynn aforesaid Glazier Setting forth That in April 1769 the said Abijah in consideration of £66 to be paid him by the said Josiah agreed with the said Josiah to convey to him in fee simple the West half part of his the said Abijah's dwelling House together with the Land on which it stands being formerly the House of Thomas Burrage of Lynn deceased; and that the said Josiah at the same time for and in consideration of the Sum of one hundred pounds to be paid him by the said Abijah agreed with the said Abijah to convey to him in like manner his the said Josiah's dwelling house and the Garden adjoining thereto in Lynn aforesaid That the said Abijah hath paid to the said Josiah the Sum of £23.3.4 in part of the said consideration of one hundred pounds and that the Deeds were wrote to compleat and execnte s<sup>d</sup> bargain between the s<sup>d</sup> Abijah and Josiah, but by the providence of God the said Josiah was suddenly deprived of his reason before the said Deeds could be executed and still continues so to be and praying that the said John, Guardian as aforesaid, may be enabled to carry the said agreement into execution and to make any Deed or Deeds that may be necessary thereto, in behalf of the said Josiah.

On the Petition of Abijah Burrage, and John Burrage who is Guardian to Josiah Burrage,

*Resolved* that the prayer thereof be granted and that the Petitioners be and they accordingly are hereby fully impowered to carry the agreement heretofore made by the said Abijah and the said Josiah while he was in the free exercise of his reason into execution as in their Petition mentioned, his the said Josiah's present Insanity notwithstanding; and that upon the said Abijah's fulfilling the said agreement made between himself and the said Josiah by executing a Deed to the said Josiah and his Heirs of the Land therein described and paying into the hands of the said Guardian for the use of the said Josiah what remains unpaid towards compleating said agreement; he the said John the Guardian aforesaid is and shall be hereby impowered to make and execute to the said Abijah his Heirs &c the House and Land which the said Josiah was to have conveyed, which Deed so made by the said John the Guardian shall convey the premises as effectually as if the said Josiah had done the same while he was Sane; always provided that the said Guardian shall duly account for and pay what he shall so receive as by Law he ought. [*Passed June 18.*]

## CHAPTER 31.

## RESOLVE APPOINTING A COMMITTEE TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxix.,  
56.

A MEMORIAL of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province Setting forth That he having recovered Judgment against Jonas Cutler a defective Farmer of Excise for the Sum



of £730.10.6 took out Execution and levied it upon an Estate which he had at Waltham and upon what Personal Estate he could find belonging to said Jonas, which Real Estate being a Farm of about one hundred acres by the appraisement of three indifferent men upon Oath was set off to the memorialist in behalf of the Province for £500 partly to satisfy the Execution; the remaining Sum was raised out of the Personal Estate That the right of redemption is long since elapsed, so that the Government have the entire fee of the Premises and praying that this Court would take such order concerning the premises as shall seem meet.

House Journal, pp. 37, 51, 53, 54.

In the House of Representatives. On the Petition of Harrison Gray Esq<sup>r</sup> Treasurer of the Province respecting the Farm in Waltham taken by him in behalf of the Province from Jonas Cutler by Execution

*Resolved* that Mr Remington, Cap<sup>t</sup> Dix, with such as the hon<sup>ble</sup> Board shall join be a Committee in behalf of this Province to make sale of the Farm afores<sup>d</sup> at public Vendue to the highest bidder at such time and place as they may judge best on public notice previously given by advertisement in some of the public news papers; they giving to the purchaser or purchasers thereof two years time for the payment of the purchase price of said Farm, he or they giving Bond with sufficient surety or sureties for paying the same with lawful Interest; and the said Petitioner Harrison Gray Esq<sup>r</sup> Treasurer afores<sup>d</sup> is hereby desired and impowered to make and execute to the purchaser of the said Estate a good Deed of conveyance of the same, to hold the same to him and his Heirs on his receiving the Securities as aforesaid for the purchase price thereof.

In Council, Read and Concurred, and James Russell Esq<sup>r</sup> is joined.  
[*Passed June 18.*]

## CHAPTER 32.

RESOLVE WITH ORDER OF NOTICE AND STAY OF EXECUTION ON THE PETITION OF THO<sup>s</sup> STEVENS FOR THE RE-HEARING OF A JUDGEMENT.

A PETITION of Thomas Stevens Setting forth, That in the year 1757 he being a Bankrupt a Commission pursuant to the Province Law then in force was taken out against him, whereby his Estate & Effects were siezed; and Commissioners & assignees being appointed, he conformed to the Law That Samuel Coker and Joseph Hoyt of Newbury brought in to the Commissioners their demands against the Petitioner but no settlement was made before the expiration of that Law That in 1770 the said Coker and Hoyt commenced Suits for their said demands against the Petitioner at the Inferior Court for the County of Essex, and he being unable to go abroad and procure his Books and papers which were in the hands of the Commissioners, thought it his duty to move for a continuance of the Causes, apprehending that a new Law of the Province would be made whereby the affairs of the said Commissioners would be finished and each Creditor having his proportionable part of his debt the Petitioner might be discharged, but not prevailing in his motion his attorney upon Judgment being entered for the whole Debt sued for, claimed an appeal, but the Petitioner being absent had no notice and did not recognize, and so is become liable for the whole Sum demanded; by payment of which he, and his other

Legislative Records of the Council, xxix., 57.

House Journal, pp. 53, 54. Province Laws, iv., 29, chap. 12.

Creditors, would be much injured and praying that he may be enabled to bring his appeal from the said Judgment to the next Superior Court for the County of Essex and have the benefit of such defence and pleas as he might have had in case he had recognized and prosecuted the appeal claimed as aforesaid, or that he may be otherwise relieved.

Read and thereupon

*Resolved* that the Petitioner notify the adverse party viz<sup>t</sup> Samuel Coker and Joseph Hoyt by serving them with a Copy of this Petition that they shew cause if any they have on the second Wednesday of the next Session of the General Court why the prayer thereof should not be granted, and that Execution be staid in the mean time. [*Passed June 18.*]

## CHAPTER 33.

RESOLVE IMPOWERING PHILIP WHEELER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
60.

House Jour-  
nal, pp. 23, 58.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Philip Wheeler Guardian to Mehettable Millard a minor daughter of Nathaniel Millard late of Rehoboth in the County of Bristol deceased Setting forth That the said minors Personal Estate is insufficient to pay the expences of her support while under seven years of age, by the Sum of £23.4.2 and praying that he may be empowered to make sale of the whole of the Real Estate of the said minor apprizd at £41 or so much thereof as shall be sufficient for the purpose aforesaid and the charges of Sale.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to sell the whole of the Tract of Land in his Petition mentioned for the most the same will fetch and to make and execute a good and sufficient Deed or Deeds thereof, he observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Bristol that what the same shall fetch more than to pay the Debt in his Petition mentioned and the necessary charges, to be allowed by said Judge of Probate, he will put to Interest and duly account for and pay the principal and Interest aforesaid to the said minor when of age or to her legal Representative in case of her decease. [*Passed June 19.*]

## CHAPTER 34.

RESOLVE IMPOWERING MARY AND EBENEZER STRATTON, EXECUTORS, TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxix.,  
61.

House Jour-  
nal, pp. 197, 250  
(April, 1771);  
p. 23.

A PETITION of Mary Stratton and Ebenezer Stratton Executors of the last Will and Testament of Richard Stratton late of Williamstown in the County of Berkshire deceased Setting forth That the said Richard Stratton on the 17 day of May 1768 by Bond of the penalty of One hundred pounds obliged himself, or some person lawfully authorized by or under him, to procure and deliver unto

one John M<sup>c</sup>Masters a warrantee Deed of one fifty acre lot of Land lying in Williamstown aforesaid known by the name of number forty five in the second Division of fifty acre lots, within eighteen months from the date of the said Bond, but that the said Richard died without procuring and delivering the said Deed and Praying that they may be impowered, in order to discharge the said Bond, to convey the Lot aforesaid to the said John M<sup>c</sup>Masters.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they accordingly are hereby fully impowered to make and execute a Deed of the fifty acre lot in their Petition mentioned to the said John M<sup>c</sup>Masters his Heirs and assigns which being done and compleated in form of Law shall be as good and valid for the conveyance of the said Land as if the said Richard Stratton deceased had done the same in his life time.<sup>1</sup> [*Passed June 19.*]

## CHAPTER 35.

### RESOLVE IMPOWERING THE JUSTICES OF THE SUPERIOR COURT TO RECONSIDER A JUDGMENT.

THE COMMITTEE on the Petition of James Gray [in regard to a judgment as to conveyance of land] have met and consider'd the same and ask leave to Report that they find the facts true that are set forth in said Petition, and are humbly of opinion that the following Resolve be passed.

[Read and]

*Resolved* that the prayer of this Petition be so far granted as that his majesty's Justices of the Superior Court of Judicature, Court of assize and General Goal delivery be impowered at their next Term for the Counties of Cumberland and Lincoln to reconsider, if they see cause, the Judgment referred to in this Petition made up at the Term in June 1769 and to make up Judgment de novo as fully to all intents and purposes as if the said Judgment in 1769 had not been made up; and the said Judgment in 1769 shall thereupon become null and void provided always that it shall first be made to appear to the said Justices that the Execution issued upon the said Judgment in 1769 is in no part satisfied provided also that a Copy of this Resolve be left at the place of abode of the said Abraham Tyler or that he be otherwise notified thereof seven days before the next Term of the said Superior Court for Cumberland and Lincoln as aforesaid. [*Passed June 19.*]

Legislative  
Records of the  
Council, xxix.,  
61.

Legislative  
Records of the  
Council,  
xxviii., 154,  
493; xxix., 45,  
House Jour-  
nal, pp. 48, 62.

## CHAPTER 36.

### RESOLVE IMPOWERING SAMUEL ADAMS AND RICHARD BOYNTON, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Adams and Richard Boynton administrators of the Estate of the Rev<sup>d</sup> Samuel Checkley late of Boston deceased, [to sell real estate]

Legislative  
Records of the  
Council, xxix.,  
64.

<sup>1</sup> The final action on this petition not found in the House Journal.

Legislative  
Records of the  
Council, xxviii., 487.  
House Journal, pp. 51, 52.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Resolved* that the prayer be granted, and that the Petitioners be and they are hereby fully impowered to sell the House and Land in their Petition mentioned for the most the same will fetch and execute a good and sufficient Deed or Deeds thereof; they observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that they will apply the proceeds of said sale for the payment of the Debts of the deceased and the residue to his Heirs according to Law. [*Passed June 19.*]

## CHAPTER 37.

RESOLVE IMPOWERING JOSIAH STONE, ADMINISTRATOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix., 64.

House Journal, pp. 38, 58.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Josiah Stone and Persis Gregory administrators of the Estate of Daniel Gregory late of Framingham deceased Intestate; (the said Persis being also Guardian to the three Children of the deceased) Setting forth That, including the Estate that has lately fell to the said Children by the decease of Sarah Gregory mother of the said Intestate, which she enjoyed as Dower out of the Estate of the said minors Grandfather, there are about Sixty acres of Land, belonging to them which lies in seven separate pieces, the Fences round which are all of Wood and greatly out of repair and the Timber and Wood on the premises utterly insufficient for the purpose of so much Fencing and supplying a Family with necessary Fuel That the dwelling House is neither tenantable nor in such a state as to admit of being repaired That the Debts of the deceased amount to £96.6.2¼ more than the appraised value of the Personal Estate, and the whole Real Estate according to Appraisement does not exceed three hundred pounds That it would be greatly for the benefit of the Heirs that all the Premises should be disposed of for the most they will fetch and praying that they may be impowered to make sale of the same accordingly; they to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner Josiah Stone be and he accordingly is hereby fully impowered in said capacity to sell the whole of the Real Estate in his Petition mentioned for the most the same will fetch and make and execute a good and sufficient Deed or Deeds thereof, he observing the directions of the Law for the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> that the said Persis the Widow shall be allowed the lawful Interest annually of one third part thereof in lieu of Dower for her support during her natural life and the remainder shall be applied for the payment of the debts of the deceased, and the residue if any be shall be paid to the legal Heirs of the deceased as they shall respectively arrive at lawful age to inherit, and that the third reserved for the Widows use shall immediately after her decease be paid the said Heirs or their legal Rep-

representatives in such proportion as they could by Law inherit in case the said Lands had not been sold; always provided that all the Debts of said deceased Daniel Gregory be first discharged. [*Passed June 19.*]

## CHAPTER 38.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING 30 MAY, 1771, AND DISCHARGING HIM OF £120,308. 17. 3.

THE COMMITTEE to whom was referred the examination of accounts of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues within the Province of the Massachusetts Bay in New England beginning the 30 May 1770 and ending the 30 May 1771 having attended that Service upon examining the same, find them right cast and well vouched, by which it appears that the said Accomptant charges himself with the Sum of Sixty five thousand, two hundred and nineteen pounds three shillings and ten pence being so much due for Taxes as represented by his last account, also with the Sum of thirteen thousand, seven hundred and nineteen pounds, eighteen shillings and two pence being the balance of his last account, also with the Sum of Eighty eight thousand, one hundred and fifty eight pounds borrowed of sundry Persons for which gave notes payable in June 1771, also with the Sum of Twenty eight thousand two hundred and ninety four pounds one shilling being a Tax laid on the Polls and Estates by virtue of an act of the General Court at their Session in October 1770; also with the Sum of Two thousand three hundred and seventy four pounds, seven shillings and eight pence received of sundry persons for Land, also with the Sum of five hundred and two pounds, eleven shillings and one penny received of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> for Impost duties, also with the Sum of Two hundred pounds, received of Thomas Fletcher Collector of Excise in part of his Bond ending March 1767, also with the Sum of three pounds received of Joseph Hawley Esq<sup>r</sup> for the sale of Land, also with the Sum of One hundred and fifty five pounds fifteen shillings received of Commissary Sheaffe being in part of the profits arising from the Indian Trade, also with the Sum of five pounds sixteen shillings received of the late Commissary Hubbard the balance of his account also with the Sum of nine pounds, nine shillings and four pence received of sundry Justices for Fines: all which Sums amount to One hundred ninety eight thousand, six hundred forty two pounds two shillings and one penny.

The Committee further find that the said Accomptant discharges himself by sundry payments and disbursements by Order of the Governor and Council amounting to eleven thousand four hundred and three pounds, fifteen shillings and one penny, also by Government Securities burnt by a Committee of both Houses amounting to One hundred and seven thousand eight hundred fifty five pounds, twelve shillings and eight pence, also by a remittance of Taxes laid upon the Town of Chatham for 1769 by Order of Court April 3<sup>d</sup> 1770 amounting to ninety eight pounds, seven shillings & nine pence; also by a remittance of Taxes from Framingham by reason of a defective Constable amounting to One hundred and nine pounds,

Legislative  
Records of the  
Council, xxix.,  
65.

Legislative  
Records of the  
Council, xxix.,  
26. House  
Journal, pp. 26,  
65.



six shillings and one penny, also by a remittance from Sherburne in Nantucket by means of Thomas Arthur a defective Constable amounting to Seven hundred ninety six pounds fifteen shillings and one penny, also by a remittance of Taxes from the District of South Hadley, which is added to the Tax of the District of Granby amounting to Forty pounds, twelve shillings and nine pence, also by a remittance of a Tax in part, laid upon the Town of Deerfield, amounting to four pounds, seven shillings and ten pence, also by Taxes due from the several Towns outstanding, amounting to Sixty one thousand seven hundred fifty three pounds thirteen shillings and five pence, also by balance in hand further to account for Sixteen thousand five hundred seventy nine pounds, eleven shillings and five pence. All which Sums amount to One hundred ninety eight thousand six hundred forty two pounds, two shillings and one penny.

Whereupon the following Order passed viz<sup>t</sup>

Read and accepted and thereupon

*Resolved* that the Treasurer be and hereby is discharged of the several payments in the foregoing account amounting to One hundred and twenty thousand three hundred and eight pounds, seventeen shillings and three pence, and that he be further accountable for the Sum of Sixty one thousand seven hundred and fifty three pounds, thirteen shillings and five pence outstanding Taxes due from the several Towns when received into the Treasury, and the further Sum of Sixteen thousand five hundred and seventy nine pounds, eleven shillings and five pence balance in hand. [*Passed June 19.*]

## CHAPTER 39.

### RESOLVE GRANTING 7,800 ACRES OF EQUIVALENT LAND TO PROPRIETORS OF GROTON.

Legislative  
Records of the  
Council, xxix.,  
71. Mass.  
Archives,  
cxviii., 533.

Mass.  
Archives,  
cxviii., 532.  
Maps and  
Plans, Mss.,  
xviii., 7; xix.,  
18; xxxvii., 26.  
House Jour-  
nal, pp. 29, 44.  
Province  
Laws, xii., 99,  
chap. 214; 274,  
chap. 32. *Ante*,  
p. 43, chap. 82;  
p. 484, chap. 38.  
*Post*, p. 606,  
chap. 149.

ON THE PETITION of Josiah Sartell and others a Committee for the Proprietors of Groton, Whereas it Appears to This Court That The Proprietors afores<sup>d</sup> Had a Grant Made to Them by The General Court in April 1735 of Ten Thousand Eight Hundred Acres of Land In Consideration of Land taken from S<sup>d</sup> Groton by Littleton Maj<sup>r</sup> Willard and Reads farms being Prior Grants and for their Extraordinary Suffering in the former Indian Warrs and in June 1736 Said Grant was Confirmed to Said Proprietors Since Which time the Said Prop<sup>rs</sup> Have been Intirely Disposed<sup>t</sup> of Said Land by the late Runing of y<sup>e</sup> Line Between this Province and New Hampshire and Whereas it Appears there has Been no Compensation made to the Said Prop<sup>rs</sup> of Groton for y<sup>e</sup> Lands Lost as afores<sup>d</sup> Excepting Three thousand Acres Granted in November Last to James Prescott William Prescott & Oliver Prescott for their Proportion Thereof Therefor

*Resolved* In Leiv thereof there be Granted to the Proprietors of Groton their Heirs and Assigns for Ever Seven Thousand and Eight Hundred Acres of the unappropriated Lands Belonging to this Province in y<sup>e</sup> Western part of y<sup>e</sup> Province to be Layed out Adjoyning to Some former Grant and that they Return a Plan thereof Taken by a Suruayor and Chainmen under Oath Into y<sup>e</sup> Secretarys office Within Twelve Months for Confirmation &c. [*Passed June 20.*]



## CHAPTER 40.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

THE TREASURER'S ACCOUNT for the County of Barnstable being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
72.

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to Grant and allow, therefore

House Jour.  
nal, pp. 12, 47.

*Resolved* that the said account be allowed. [*Passed June 20.*]

## CHAPTER 41.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF CUMBERLAND COUNTY.

THE TREASURER'S ACCOUNT for the County of Cumberland being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
72.

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to Grant and allow, therefore

House Jour.  
nal, pp. 12, 47.

*Resolved* that the said account be allowed. [*Passed June 20.*]

## CHAPTER 42.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

THE TREASURER'S ACCOUNT for the County of Essex being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
73.

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to Grant and allow therefore

House Jour.  
nal, pp. 12, 47.

*Resolved* that the said account be allowed. [*Passed June 20.*]

## CHAPTER 43.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative  
Records of the  
Council, xxix.,  
73.

House Jour-  
nal, pp. 12, 47.

THE TREASURER'S ACCOUNT for the County of Worcester being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to grant and allow, therefore

*Resolved* that the said account be allowed. [*Passed June 20.*]

## CHAPTER 44.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative  
Records of the  
Council, xxix.,  
73.

House Jour-  
nal, p. 12.

THE TREASURER'S ACCOUNT for the County of Plymouth being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to grant and allow, therefore

*Resolved* that the said account be allowed.<sup>1</sup> [*Passed June 20.*]

## CHAPTER 45.

## RESOLVE IMPOWERING HANNAH BURTON, ADMINISTRATRIX, AND HENRY BURTON TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
73.

House Jour-  
nal, pp. 54, 65,  
73, 82 *bis*, 87.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of Hannah Burton administratrix of the Estate of Stephen Burton late of Preston in the County of New London and Colony of Connecticut deceased Setting forth, That the debts due from the Estate of the said deceased, including an allowance of necessaries to the Widow charge of administration, and also an allowance for bringing up two Infant Children, surmount the personal Estate the Sum of £121.17.11 That the greater part of the said deceaseds Real Estate lies in Worthington in this Province and as the Real Estate in Connecticut is but small and cannot be sold without breaking up the Family and exposing them to hardships, Praying that she, together with Henry Burton of said Preston, may be impowered to make sale of the Real Estate in Worthington aforesaid in order to raise the said Sum of £121.17.11.

[Read and]

<sup>1</sup> The final action on this chapter not found in the House Journal.

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner together with the said Henry Burton be and they accordingly are hereby fully impowered to make sale of the Land lying in the Township of Worthington for the most the same will fetch and make and execute a good and sufficient Deed or Deeds thereof, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of New London and Colony of Connecticut that the proceeds of said sale shall be applied for the payment of the debts of the said Stephen Burton deceased and what shall remain, if any be, over and above what may be sufficient for payment of said deceaseds debts and charges of sale, to be put to Interest for the benefit of said deceaseds Heirs. [*Passed June 20.*]

## CHAPTER 46.

### ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO APPRAISE LAND GRANTED TO THE HON. TIMOTHY RUGGLES, ESQ<sup>R</sup>.

THE COMMITTEE appointed the 26<sup>th</sup> day of April last to appraise Two thousand four hundred and fifty acres of Land granted to the hon<sup>ble</sup> Timothy Ruggles Esq<sup>r</sup>, made the following Report viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
77.

The Committee named in the foregoing Order having been together upon the unappropriated Land contained in the foregoing plan and since their appointment carefully viewed the same, do this day appraise the said unappropriated Land at two shillings lawful money by the acre, the said Land amounting at that rate to the Sum of Two hundred and forty five pounds.

House Jour-  
nal, p. 250  
(April, 1771);  
pp. 70, 71.  
*Ante*, p. 520,  
chap. 115.

May 16. 1771

JOSEPH HAWLEY,  
CHARLES GOODRICH,  
ISAAC SEARL

Upon which the following Order passed viz<sup>t</sup>

Read and accepted and

*Ordered* that this Report be lodged in the Secretarys office, and the Treasurer be and hereby is directed to take sufficient security of Timothy Ruggles Esq<sup>r</sup> for the payment of the Sum of Two hundred and forty five pounds in twelve months from this date. [*Passed June 21.*]

## CHAPTER 47.

### ORDER ALLOWING £7.17.11 TO THE COM<sup>TEE</sup> FOR APPRAISING LAND GRANTED TO THE HON. TIM<sup>O</sup> RUGGLES, ESQ<sup>R</sup>.

THE COMMITTEE appointed to appraise the Land granted to the hon<sup>ble</sup> Timothy Ruggles Esq<sup>r</sup> laid before the Court an account of their time and Expence in performing that Service, amounting in the whole to the Sum of £7.17.11; whereupon the following Order passed viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
77.

House Jour-  
nal, p. 250  
(April, 1771);  
p. 71. *Supra*,  
chap. 46.

The foregoing account read and allowed and thereupon

*Ordered* that there be paid out of the Province Treasury to the said Hawley, Goodrich and Searl respectively the several Sums charged in the said account as due to them for their Service therein mentioned. [*Passed June 21.*]

## CHAPTER 48.

RESOLVE IMPOWERING EBEN<sup>r</sup> MASON TO JOIN WITH OTHERS IN THE EXECUTION OF A DEED.

Legislative  
Records of the  
Council, xxix.,  
77.

Legislative  
Records of the  
Council,  
xxviii., 339.  
House Jour-  
nal, pp. 142, 189  
(April, 1770);  
pp. 40, 46.

A PETITION of Ebenezer Mason of New Glocester in the County of Cumberland, [to execute a deed]

It appearing to the Court that the facts set forth in the Petition of Ebenezer Mason are true, therefore

*Resolved* that the prayer thereof be granted, and that the Petitioner be and he accordingly is hereby empowered to join with the said Peleg Chandler and his Wife in executing a Deed of the whole of said Land in his Petition mentioned to the said Edmund Chandler and his Son Enos Chandler which shall be as good and valid for the conveyance of that part of said Estate which did belong to the late Wife of the said Petitioner, and the said Edmund Chandler and his Son Enos Chandler their Heirs and assigns shall hold the same in as full and ample a manner as if the said Petitioners Wife had joined in the execution of a Deed thereof in her life time. [*Passed June 21.*]

## CHAPTER 49.

## RESOLVE IMPOWERING A COMMITTEE TO PURCHASE THATCHER'S ISLAND AND ERECT A LIGHT HOUSE OR LIGHT HOUSES THEREON.

Legislative  
Records of the  
Council, xxix.,  
79. Mass.  
Archives,  
lxvi., 504.

Legislative  
Records of the  
Council, xxix.,  
28, 32. House  
Journal, pp. 29,  
38, 68, 69, 73.  
Province  
Laws, v., 137,  
chap. 35; 150,  
notes. *Ante*,  
p. 517, chap.  
III.

THE COMMITTEE appointed to ascertain the price of Thachers Island &c have attended that service upon the Island and find it to contain about eighty acres of excellent Land and abounding with fine square Stone for building. The present owners are averse to letting it for the purpose of building a Light house upon, and the price they ask for it is £500 as by their written proposals herewith exhibited will appear, all which is submitted

JOHN ERVING *per* order

In the House of Representatives.

[Read and]

*Resolv'd* that Nathaniel Allen Richard Reed & Richard Derby Esq<sup>rs</sup>, with such as the Honourable Board shall Joine, be a Committee to purchase an Island called Thatchers Island, for the use of the province on the best terms they can, in order to erect a light-house or Lighthouses thereon, provided the price does not exceed five hundred pounds, and that they immediately proceed to erect s<sup>d</sup> lighthons or Lighthouses, on s<sup>d</sup> Island, agreeable to an act passed the last sessions of the generall Court, and likewise provide a convenient House for the keeper of the lights, and report their proceedings to the General Assembly

In Council Read & Concurred and John Erving & Thomas Saunders Esq<sup>rs</sup> are joined in the Affair. [*Passed June 22.*]

## CHAPTER 50.

RESOLVE IMPOWERING ELIZA<sup>A</sup> SPAULDING, ADM<sup>S</sup>, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Spaulding administratrix of the Estate of Jeremiah Spaulding late of Chesterfield deceased Praying that she may be empowered to make sale of an hundred acre lot of Land in said Chesterfield to enable her to pay the said deceaseds just debts.

Read and accepted and

*Resolved* that the prayer of the foregoing Petition be granted and that the Petitioner be and she hereby is fully empowered to make sale of one of the hundred acre Lots in her Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Hampshire that she will apply the proceeds first for the payment of the debts in her Petition mentioned which remain unpaid, and the residue, if any be, to be paid to the Heirs of the said Jeremiah Spanlding deceased in such proportions as they would have inherited by Law in case said Land had not been sold. [*Passed June 22.*]

Legislative Records of the Council, xxix., 70, 79.

Legislative Records of the Council, xxviii., 468. House Journal, pp. 68, 74, 75. Province Laws, II., 151, chap. 10.

## CHAPTER 51.

## RESOLVE IMPOWERING HANNAH LAWRENCE, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Lawrence of Grafton in the County of Worcester one of the Hassanamisco Tribe of Indians Setting forth That in the division of the Estate of her Father Peter Lawrence deceased there was set off unto her about eighteen acres of Land in Grafton aforesaid lying in three pieces with very small Improvements thereon; the Income whereof is insufficient for her support That she has been, and is, very Sickly and weakly and is in debt for Doctoring. And praying that she may be empowered, under the direction of the Guardians of the Tribe aforesaid, to make sale of her said Real Estate; the proceeds arising thereby, after the payment of her just debts, to be put out on Interest for her future support.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted and that the Petitioner be and she accordingly is hereby fully empowered to make sale of the Land in her Petition mentioned, under the direction of the Guardians of the Hassanamisco Tribe of Indians, and she is accordingly hereby empowered to make and execute a good and sufficient Deed or deeds of the same and the said Guardians are hereby empowered to pay her just debts out of the proceeds thereof, and put out the remainder on Interest for her future support, except so much of the principal as may be necessary to be expended for her present relief. [*Passed June 24.*]

Legislative Records of the Council, xxix., 82.

House Journal, pp. 59, 60, 74, 78. Province Laws, xvii., 269, chap. 104.

## CHAPTER 52.

RESOLVE GRANTING 1,095 ACRES OF LAND TO THE HEIRS AND ASSIGNS  
OF JOSEPH TREE.

Legislative  
Records of the  
Council, xxix.,  
83. Mass.  
Archives,  
cxviii., 427.

Mass.  
Archives,  
cxviii., 425.  
House Jour-  
nal, p. 138  
(1769-70);  
pp. 61, 72, 78,  
79.

A PETITION of Beriah Tree of Springfield sole Heir of Joseph Tree late of Attleborough deceased Setting forth That in the year 1738 there was granted by the General Court unto the said Joseph Tree for himself and two Brethren that died in the Expedition to Canada in the year 1690 under Sir William Phips three Rights of Land, but the same were never laid out That the Petitioner by unavoidable providences has been prevented pursuing his claim thereto having lived in Connecticut for many years and praying that he may have a Grant of Lands, that so he may enjoy the benefit intended by the Court in the Grant abovementioned.

[Read and]

*Resolved* that there be Granted unto the Heirs and Assings of Joseph Tree, One Thousand and ninety five Acres of the Unappropriated Lands belonging to this province, to be laid out in the westerly part thereof, adjoining to some former Grant, and that they Return a plan of the Same (taken by a Surveyor and Chainmen under Oath) to this Court within Twelve months for Confirmation.  
[*Passed June 24.*]

## CHAPTER 53.

RESOLVE APPOINTING A COMMITTEE TO SELL CERTAIN PROVINCE  
LANDS ON THE NORTH SIDE OF PRINCETON.

Legislative  
Records of the  
Council, xxix.,  
84.

House Jour-  
nal, pp. 54, 75.

A PETITION of John Bowen of Prince Town in the County of Worcester Setting forth That there is a Tract of unappropriated Province Land lying on the North side of Prince Town, which he is desirous of purchasing containing Eighty acres or more. And praying that this Court would give Orders for the sale thereof.

In the House of Representatives

[Read and]

*Resolved* that Cap<sup>t</sup> Whitcomb and M<sup>r</sup> Dennie with such as the hon<sup>ble</sup> Board shall join be a Committee to sell the Tract of Land in said Petition mentioned, Eleven acres thereof which was originally included in Kneelands Farm to be prized for what it is worth without Improvements, John Frost who is living on said Eleven acres to have the privilege of purchasing it at what it shall be prized at, and upon his refusing to purchase, then the said Committee is to sell the eleven acres, and the remaining part of the Tract of Land set forth in the Petition, at Public auction at Princetown and give three months notice by posting up the said sale in Princetown and Westminster, and to notify the same in the Massachusetts Gazette three Weeks before the said sale, and when the said Committee have sold the same to the highest bidder that they take Earnest for said purchase according to their discretion and good security to the Province Treasurer on Interest payable in one year for the residue, first causing a Plan to be taken of the same by a Surveyor and Chainmen under Oath and lodge the same in the Secretarys office, and when they have taken security as aforesaid, that they



give a Deed or deeds thereof to the purchaser or purchasers which shall be good and valid to the holding of said Land to the purchaser or purchasers their Heirs and assigns forever.

In Council, Read and Concurred and Artemas Ward Esq<sup>r</sup> is joined.  
[*Passed June 25.*]

## CHAPTER 54.

RESOLVE IMPOWERING NOAH CLAP, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Noah Clap Guardian of four of the Children of Benjamin Everenden late of Dorchester in the County of Suffolk Clothier deceased Setting forth That two of said Children viz<sup>t</sup> John and Benjamin are young and not yet put out, the former but a little more than six years old and the latter in his fifth year That the Income of their part of their Fathers Estate is not near sufficient for their support. That there is a Tract of Woodland in Stoughton of about Sixty or seventy acres which lies in common and brings in nothing, and also a few Rods of Land in Dorchester near Neponset River upon the Country Road lying in common which may serve to build an House upon, both of them belonging to the said Children and praying that he may be impowered to make sale of the Lands aforesaid; the proceeds whereof to be applied for the support of the two young Children aforesaid until they shall be fit to put out, and for the benefit of the two eldest of said Children.

Legislative  
Records of the  
Council, xxix.,  
86.

House Jour-  
nal, pp. 19, 20,  
76. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner be and he accordingly is hereby fully impowered to make sale of the small piece of Land lying in Dorchester in his Petition mentioned for the most the same will fetch and make and execute a good and sufficient Deed or Deeds thereof provided he observe the rules of the Law relative to the sale of Real Estates by Executors and administrators and give security to the Judge of Probate for the County of Suffolk that he will apply the proceeds of said sale for the benefit of the Children in his Petition mentioned in such manner as the said Judge of Probate shall direct and duly account for the same. [*Passed June 26.*]

## CHAPTER 55.

RESOLVE IMPOWERING JEREM<sup>u</sup> BEAL, ADMINISTRATOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jeremiah Beal administrator of the Estate of Dependence French late of Bridgewater deceased Setting forth That the said deceased on his death Bed desired that his two small pieces of Land, one containing thirteen acres and an half and the other four acres and an half, together with a quarter part of a Saw Mill called Curtis's Saw Mill might be sold for the payment of his debts: and praying that he may be impowered to make sale thereof for that purpose; and if the same should sell for more than sufficient to pay the said debts, that the remainder be secured for the benefit of the daughter of the said deceased.

Legislative  
Records of the  
Council, xxix.,  
88.

House Jour-  
nal, pp. 19, 76.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to sell the two pieces of Land and the quarter part of the Saw Mill in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Plymouth that he will apply the proceeds of said sale for the payment of the debts of the said deceased, and the overplus, if any be, to be put to Interest for the benefit of the Heir. [*Passed June 26.*]

## CHAPTER 56.

RESOLVE IMPOWERING DANIEL WOODWARD AND EPHRAIM JACKSON, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
88.

House Jour-  
nal, pp. 42, 79,  
80. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Bray, Daniel Woodward and Ephraim Jackson Setting forth That the said Mary some time since made sale of more than one half of the Real Estate of her late Husband William Brown of Natick deceased to M<sup>r</sup> Elijah Bacon, by order of the Superior Court, for the payment of said deceaseds debts. That since the sale there has been further Claims brought in against said Estate to the amount of forty pounds lawful money, for discharging which, there must be a considerable part of the remainder of said Estate sold That it would be a great advantage to the Heirs to have the whole sold together; and as the said Bacon is willing for the benefit of the Heirs to relinquish that part of the Estate which he purchased, upon his being refunded the purchase consideration with the Interest and intervening charges; Praying that the said Daniel Woodward and Ephraim Jackson Guardians to the Children of the deceased may be empowered to make sale of the whole of s<sup>d</sup> Estate; the proceeds where of after payment of the debts and Legacies, and purchase consideration aforesaid, to be disposed of agreeable to the last Will and Testament of the said deceased.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the aforesaid Petitioners Daniel Woodward, and Ephraim Jackson in their capacity aforementioned be and hereby are empowered to make sale of the whole of the aforesaid Testators Real Estate, provided the abovenamed Elijah Bacon gives up all his right and Claim to the same, for the most the same will fetch, and to make and execute a good Deed or Deeds of conveyance in the Law of the same to the purchaser or purchasers, they observing the directions of the Law relating to Executors and administrators for the sale of Real Estates, and to give caution to the Judge of the Probate for the County of Middlesex that so much of the proceeds of sale be applied in refunding to the said Elijah Bacon the Sum he paid for part of said premises with the Interest and necessary charges relative to the same and the six first mentioned Legacies in the said deceaseds last Will and Testament, and all the said deceaseds just debts, and the remainder of the proceeds be put to Interest, and the Interest thereof to be paid yearly to the said Mary during her

natural life, and at her decease to be divided among the Heirs of the said deceased as would have possessed said Real Estate at her decease, if it had not been sold, agreeable to the Will aforesaid. [*Passed June 26.*]

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## CHAPTER 57.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

THE ACCOUNT of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
89.

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

House Jour-  
nal, pp. 12, 71.

*Resolved* that the said account be allowed. [*Passed June 26.*]

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## CHAPTER 58.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

THE ACCOUNT of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
90.

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

House Jour-  
nal, pp. 12, 71,  
72.

*Resolved* that the said account be allowed. [*Passed June 26.*]

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## CHAPTER 59.

### RESOLVE CONFIRMING A GRANT OF 4,400 ACRES OF EQUIVALENT LAND TO JAMES PRESCOTT, ESQ<sup>r</sup>, AND OTHERS.

THE PLANS of two pieces of Land containing, both together, Four thousand four hundred acres, lying in the County of Berkshire, laid out by Jacob Brown Surveyor, and Chainmen on Oath to satisfy the Grant made by this Court to James Prescot Esq<sup>r</sup> and others the 14<sup>th</sup> day of November last, were presented for allowance; one piece contains 4,130 acres and is bounded as follows viz<sup>t</sup> beginning at a hemlock pole and Stones which is the Southeast corner of Hartwood and stands in the north line of Becket, then runing East 2 D<sup>s</sup> north in said Becket line 640 Rods to a stake and stones which is the Southwest corner of Worthington, then runing north 20 D<sup>s</sup> East in said West line 570 Rods to a hard maple tree and Stones laid round it which is the Southeast corner of Township N<sup>o</sup> 2, then

Legislative  
Records of the  
Council, xxix.,  
92.

Legislative  
Records of the  
Council, xxxi.,  
72. House  
Journal, pp. 66,  
73, 74. *Ante*,  
p. 484, chap. 38.

runing West 21 D<sup>s</sup> north 2,032 Rods in the South line of said N<sup>o</sup> 2 to a Beach tree and Stones laid round it which is the Southwest corner of said N<sup>o</sup> 2, then runing north 21 D<sup>s</sup> East in the West line of said N<sup>o</sup> 2 400 Rods to a hard maple tree and Stones laid round it which is the Southeast corner of Ashewillet Equivalent, then runing West 6 D<sup>s</sup> north in the South line of said Equivalent 318 Rods to a Beach tree and Stones laid round it which is the northeast corner of a Grant of Land called Col<sup>o</sup> Jones's Grant, then runing South 6 D<sup>s</sup> West 317 Rods in the East line of said Grant to a Stake and Stones standing in the north line of a Grant called Asa Hill's Grant, then runing East 21 D<sup>s</sup> South in the north line of said Hill's Grant 34 Rods to a black Spruce tree which is the northeast corner of said Hill's Grant, then runing South 6 D<sup>s</sup> West in the East line of said Hill's Grant 118 Rods to a Stake which is the Southeast corner of said Hill's Grant and stands in the north line of said Hartwood, then runing East 20 D<sup>s</sup> South in said Hartwood north line 1,660 Rods to the first bounds; the other piece contains 270 acres lyes West of the first as will appear by the Plan; the first bounds is a Stake and Stones the Southwest corner of the abovesaid Hill's Grant and stands in the north line of the abovesaid Hartwood, and from thence runing north 20 D<sup>s</sup> East 62 Rods in the West line of said Hill's Grant to a beach tree and Stones laid round it which is the northwest corner of said Hill's Grant, then runing East 20 D<sup>s</sup> South in the north line of said Hill's Grant 90 Rods to a stake and stones standing in the West line of the abovesaid Jones's Grant, then runing north 8 D<sup>s</sup> East in the West line of said Jones's Grant 126 rods to a Beach pole and Stones laid round it, then runing West 20 D<sup>s</sup> north 251 rods to a birch tree and Stones laid round it bounding north on Province Land, then runing South 20 D<sup>s</sup> West 182 rods to a stake and Stones standing in the north line of said Hartwood bounding West on Province Land, then runing East 20 D<sup>s</sup> South in said Hartwood line to the first bounds.

Upon which the following Order passed viz<sup>t</sup>

*Resolved* that both of the above Plans, one containing four thousand one hundred and thirty acres, the other containing two hundred and seventy acres delineated and described as it is set forth by the Surveyor in the description thereof hereunto annexed, be accepted and hereby is confirmed to James Prescott Esq<sup>r</sup> and others named in their Petition and to their Heirs and assigns in lieu of and in full satisfaction for four thousand and four hundred acres of Land lost by the late runing of the Line between this Province and New-hampshire as mentioned in a Grant made by both Houses of the assembly AD 1765 but not consented to by the Governor; provided both of said plans together do not exceed the quantity of four thousand & four hundred acres nor interfere with any former Grant. [*Passed June 26.*]

## CHAPTER 60.

RESOLVE REMITTING TO THE TOWN OF UPTON £5 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xlix.,  
97. Mass.  
Archives,  
cxviii., 526.

A PETITION of the Selectmen of the Town of Upton Setting forth That the said Town was fined in the Sum of Five pounds for not sending a Representative to Court the last year and as the said Town was, the last year, at great expence in building a Meeting

house, and have a prospect of further expence in purchasing Roads to the said House, Praying that the said Fine may be remitted, & the Town excused from sending a Representative for the present.

Read &

*Resolved* that the Prayer of the Petition be so far granted as that the Sum of five pounds be allowd & paid out of the publick Treasury into the Hands of Mr Edw<sup>d</sup> Rawson for the use of said Town of Upton accordingly. [*Passed June 28.*]

Mass. Archives, cxviii., 207, 526. House Journal, p. 25. Province Laws, v., 100, chap. 7; 142, note.

## CHAPTER 61.

### ORDER IMPOWERING THE GUARDIANS OF HASSANIMISCO INDIANS TO DISCHARGE THE DEBTS OF ESTHER FREEBORN, INDIAN.

THE COMMITTEE appointed to examine the accounts of the Guardians of Indians through the Province, have examined the account of the Guardians of the Hassanamisco Tribe, relative to the sale of Esther Freeborns right in her Father Peter Lawrence dec<sup>d</sup> Estate, which was sold by order of this Court under the direction of said Guardians and the proceeds of said sale ordered to be applied to discharging of a certain mortgage, We find the said account right cast and well vouched, that there remains in said Guardians hands the Sum of thirty four shillings and three pence, and it appearing said Esther owes that Sum to sundry Persons, therefore the said Guardians are hereby ordered to apply said thirty four shillings and three pence to discharge the said Esthers Debts aforesaid.

Read & accepted &

*Ordered* that the said Guardians apply the said thirty four shillings & three pence for the payment of said Debts accordingly. [*Passed June 28.*]

Legislative Records of the Council, xxix., 98. Mass. Archives, xxxiii., 538. House Journal, pp. 60, 88. Province Laws, xvii., 269, chap. 104. *Ante*, p. 299, chap. 161.

## CHAPTER 62.

### RESOLVE IMPOWERING BETHIAH RICHMOND, ADMIN<sup>r</sup>, AND JONATHAN INGELL, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Bethiah Richmond administratrix of the Estate of Elkanah Richmond late of Taunton deceased Intestate, and of Jonathan Ingell Guardian of Elkanah Richmond aged about twelve months the only Child of the deceased Setting forth, That the said deceaseds Personal Estate is not sufficient to pay his debts by the Sum of £102.15.6¼ That the said Intestate not long before his death purchased about five acres of Land and began to erect a dwelling House thereon but died before the same was finished That part of the Real Estate must be sold to discharge the said debts; and as the said Intestate, on his death Bed, desired that the said unfinished House and five acres of Land might be sold, Praying that they may be empowered to make sale thereof accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they accordingly are hereby fully empowered to make sale of all the Real Estate in their Petition men-

Legislative Records of the Council, xxix., 99.

House Journal, pp. 60, 85. Province Laws, ii., 151, chap. 10.



tioned for the most the same will fetch and make and execute a good and sufficient Deed or Deeds thereof, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Bristol that the proceeds of said sale be applied as follows viz<sup>t</sup> the lawful Interest of one third be allowed the Widow for her support instead of her dower, during her natural life, and the other two thirds be applied for the payment of the debts of the deceased, and the overplus be put to Interest for the benefit of the Heir, and the third reserved for the Widow be paid to said Heir after his mothers decease if of lawful age, and if not that that together with the residue of the other two thirds and interest arising thereon be paid to him at the time in which by Law he could inherit the same in case the said Land had not been sold. [*Passed June 28.*]

## CHAPTER 63.

### RESOLVE CONFIRMING A PLAN OF AN EQUIVALENT TOWNSHIP GRANTED TO WILLIAM BULLOCK, ESQ., AND OTHERS.

Legislative  
Records of the  
Council, xxix.,  
99. Mass.  
Archives,  
cxviii., 557.

Mass.  
Archives,  
cxviii., 478.  
Maps and  
Plans, Mis.,  
xxxiii., 20.  
House Jour-  
nal, p. 238  
(April, 1771);  
pp. 66, 85, 86.  
*Ante*, p. 514,  
chap. 103.

A PLAN of a Tract of Land situate in the County of Berkshire, of the contents of six miles square, bounding East on Township Number seven partly and partly on Province Land, South on Dwight & Worthington's Grant partly and partly on Royalston, Daws and Roberts Grants, Westerly on East Hoosuck East line partly and partly on Bernardstown Grant and partly on Province Land; and northwardly on Province Land (including a small Grant to Cap<sup>t</sup> John Jones of 250 acres) laid out in satisfaction of a Grant made by the General Court to William Bullock Esq<sup>r</sup> and others the 25<sup>th</sup> day of April 1771 by Nath<sup>l</sup> Dwight Surveyor and Chainmen on Oath and plan'd by a Scale of 300 p<sup>r</sup> to an Inch was presented for allowance; Upon which the following Order passed viz<sup>t</sup>

On a plan of the Township of Land Taken by Nath<sup>l</sup> Dwight Sarvayer in the favour of William Bullock Esq<sup>r</sup> & others: Containing within S<sup>d</sup> Plan Twenty three thousand & forty acers of Land which is agreeable to the order of the Gene<sup>l</sup> Court:

*Resolved* that the Tract of Land afore S<sup>d</sup> be & Remain to Said proprietors & there Heires & assigns upon there fulfilling the Condit<sup>s</sup> hereafter mentione<sup>d</sup> Said Proprietors to Sett[le]<sup>1</sup> the Tract of Land afores[a]id,<sup>1</sup> With fifty families & Errect & build fifty Dwelling houses there on none Less than Eighteen feet Squair & Seven feet Stud & Clear & Cultivate Seuen acres of Land on Eaich Right or Share fit for Tillage & mowing within Senen yeares from the Date here of & with in S<sup>d</sup> Time builde a Sutable meeting House for the publick worship of God: & Settle a Lernerd protesant minister & make Sutable provision for his Comfortable Support: & allso within s<sup>d</sup> Township there be reserved & appropriated one Sixty third part thereof to the first Settled ordained minister his heires & assigns for Euer & one Sixty third part there of for the vse of the ministry & one Sixty third part for the vse & Benefit of a School for Euer & further more Said proprietors are to agree with Such persons or persons Now in the possession of aney of the Lands within the bounds of the

<sup>1</sup> Manuscript mutilated.



Township a fore Said as Shall be Estimated Just & Eaquateable: not Less than one hundred acres to Eaich person thereon so as to Quiet them in there possession thay allowing S<sup>d</sup> Proprietors the value of the same as tho no Improvement had ben made thereon: & in Case the Grantees and Settlers shall not agree upon the Value of s<sup>d</sup> Land, it Shall be Determined by a Committe of this Court & if the Grantees or proprietors of s<sup>d</sup> Tract of Land Should faile or neglect within S<sup>d</sup> Seven yeares of Complying With the Conditions a fore s<sup>d</sup> thay Shall forfeit there Right to Said Tract of Land. which in that Case Shall revert to the province. [*Passed June 28.*]

## CHAPTER 64.

### ORDER ALLOWING £6. 15 TO THE COMMITTEE ON DIGHTON.

THE COMMITTEE appointed, the last Session of the General Court, to go to Dighton upon the Petitions of Ezra Richmond Esq<sup>r</sup> & others and Sylvester Richmond Esq<sup>r</sup> and others, laid before the Court an account of their time and expences in attending that service, amonnting to the Sum of Six pounds fifteen shillings Upon which the following Order passed viz<sup>t</sup>

*Ordered* that the abovementioned Sum of Six pounds, fifteen shillings be allowed and paid out of the public Treasury to the hon<sup>ble</sup> William Brattle Esq<sup>r</sup> for the use of the Committee, and that the said Sum of Six pounds, fifteen shillings be added to the Town of Dighton in the Tax act the present year. [*Passed June 29.*]

Legislative  
Records of the  
Council, xxix.,  
104.

Mass.  
Archives,  
cxviii., 429-432.  
House Jour-  
nal, p. 91.  
*Ante*, p. 506,  
chap. 90.

## CHAPTER 65.

### RESOLVES ON THE PET<sup>n</sup> OF SILV<sup>r</sup> RICHMOND, ESQ<sup>r</sup>, AND OTHERS OF DIGHTON IN REGARD TO TAXES.

THE COMMITTEE to whom was referred the Petition of Sylvester Richmond Esq<sup>r</sup> and others dated the tenth day of January 1770 as also the Petition of Ezra Richmond Esq<sup>r</sup> and others dated the 2<sup>d</sup> day of April 1770, and the answer of the Inhabitants of the Town of Dighton to both, have attended the service assigned them, went to Dighton, there heard the parties till they were content to be heard no longer; beg leave to report, In the first place we see no sufficient reason why the Petitioners should be exempt from paying their Taxes to the meeting house erected in the said Town of Dighton by a vote of said Inhabitants or to the twenty pounds voted by the Town for the support of preaching; but inasmuch as the contention there is so great, inasmuch as the Petitioners have erected a new meeting house at their own cost and charge, wherein they carry on and maintain public Worship, we apprehend that the peace of the Town and the interest of Religion will be greatly served if the Petitioners in both the said Petitions (*or those that represent them we say those that represent them because some of the Petitioners may be absent and at Sea*) with their Estates be free from any other or future Taxes towards said meeting house erected by the Town or the minister or Ministry there. Provided that they shall within

Legislative  
Records of the  
Council, xxix.,  
105.

House Jour-  
nal, p. 91.  
*Ante*, p. 409,  
chap. 76: p. 506,  
chap. 90.  
*Supra*, chap.  
64.

six months from the first day of July next send their names in writing under their hands, lodged in the Secretary's office, signifying their desire of the exemption aforesaid; they upholding the public Worship of God in said meeting house built by them. This by no means to destroy or in the least to affect the obligations they are both under for the support and maintenance of the Rev<sup>d</sup> M<sup>r</sup> Nathaniel Fisher their aged and venerable Pastor. The cost of the Committee to be born by the Town. Provided nevertheless that no distraint shall be made within six months from the first of July next for what remains due on the Taxes aforesaid.

Signed W. BRATTLE by Order

Read and accepted and thereupon

*Resolved* that such or so many of the said Petitioners who, by themselves or such as represent them, shall in writing under their hands signify their desire of being exempted from paying any further or other Taxes, excepting as is excepted in said Report, towards said meeting House built by the Town or to the minister or Ministry there or towards the settlement of one and shall on or before the last day of October next and such of them as shall be absent shall be allowed one month after their return, lodge the same in the Secretary's office be and such of the said Petitioners hereby are exempted from future Taxes accordingly, to all intents and purposes whatsoever as if they did not live in the Town aforesaid so long as they shall steadily uphold preaching and maintain the public Worship of God in said meeting house built by them; provided nevertheless it is hereby

*Resolved* that no Distraint shall be made within six months from the first of July next for what remains due on the Taxes for building the Towns Meeting house or the twenty pound aforesaid. This Resolve is by no means to be understood so as to destroy or in the least to affect the obligations both parties are under for the support of the Rev<sup>d</sup> M<sup>r</sup> Nathaniel Fisher their aged and venerable Pastor; the Cost of the Committee to be born by the Town. [*Passed July 1.*]

## CHAPTER 66.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative  
Records of the  
Council, xxix.,  
196.

House Jour-  
nal, pp. 12, 90.

THE ACCOUNT of John Chandler Esq<sup>r</sup> Treasurer of the County of Worcester being laid before the Court for allowance, the following Order passed thereon viz'

Whereas it appears that the monies granted and allowed by the Court of General Sessions of the peace for said County as exhibited in said account dated June 1771 were such as said Court was by Law impowered to Grant and allow

*Resolved* that the said account be allowed. [*Passed July 1.*]

## CHAPTER 67.

## RESOLVE AND ORDER WITH NOTICE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF SHERBURN IN REGARD TO THE ANNEXATION OF TWO ISLANDS.

A PETITION of Abishai Folger and others a Committee of the Inhabitants of the Town of Sherborn in the County of Nantucket Setting forth That there are two small Islands or Sand Keys situate at the Westerly end of the Island of Nantucket, one of which is called Musqueket about three miles distant from the Island, which is annexed to the Town of Edgartown in Dukes County by a former Patent, but wholly owned by Inhabitants of the said Town of Sherborn, and is of so inconsiderable a value as not to be Taxed by said Edgartown; the other is called Gravelly Island situate less than a mile from the Westerly end of said Island of Nantucket and is so very small and low that it is not capable of having any Stock kept thereon, and, which the Petitioners apprehend, was by the overflowing of the Sea separated from the Westerly point of Nantucket, but whether it is now properly within the County of Nantucket they are at a loss to determine. That Doctor Samuel Gelston hath erected an Hospital on the last mentioned Island in order to carry on the business of Inoculation for the Small pox, which the Petitioners are under fearful apprehensions will be the means of Spreading that distemper in the Town of Sherborn That it is not in the power of the Inhabitants of said Sherborn to prevent the said business being carried on, by reason of the peculiar situation of the said Islands, as abovementioned. And praying that the said Musqueket Island and Gravelly Island may be annexed to the Town of Sherborn aforesaid, or that they may be otherwise relieved.

Upon the Petition of the Inhabitants of the Town of Sherborn in the County of Nantucket representing themselves in imminent danger of having the small Pox to spread amongst them without the interposition of this Court.

*Resolved & Ordered* that the Petitioners serve the Town of Edgar town & Doct Samuel Gilsson with a Copy of s<sup>d</sup> Petition that they may shew cause on the second wednesday of the next sitting of this Court if any they have why the Prayer thereof should not be granted. And that in mean time every Person is hereby strictly prohibited from inoculating or removing any person that may be inoculated for the small Pox on either of the Islands in s<sup>d</sup> Petition prayed for to be annexed to the s<sup>d</sup> town of Sherburn. [*Passed July 2.*]

Legislative  
Records of the  
Council, xxix.,  
111. Mass.  
Archives,  
lxxxvii., 376.

House Jour-  
nal, p. 102.

## CHAPTER 68.

RESOLVE IMPOWERING SAM<sup>L</sup> HALL AND MARY HIS WIFE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Hall of Medford and of Mary his Wife Guardian to her daughter hereafter mentioned Setting forth That Cap<sup>t</sup> James Hall late of Medford aforesaid, former Husband of the said Mary, died Intestate seized and possessed of a small piece of

Legislative  
Records of the  
Council, xxix.,  
112.

House Jour-  
nal, pp. 77, 95.

Province  
Laws, II., 151,  
chap. 10.

Land in said Medford with half of a dwelling house standing thereon, together with a small piece of Land lying near the same; the whole whereof being of the value of about £65 derive to the said Mary the Petitioner and to Mary a minor of ten years of age daughter of the said James and Mary as legal Heirs to the said James. That the said dwelling house being old and decayed now requires a considerable Sum of money to fit it up and make it tenantable, and that such Sum so laid out will be much to the damage of the said Heirs; the rent of the Premises being greatly inadequate to such charges. And praying that they may be empowered to make sale of the premises for the benefit of the said Heirs.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they accordingly are hereby fully empowered to make sale of the whole of the Real Estate in their Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, they observing the rules of the Law relative to the sale of Real Estates by Executors and administrators and give sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said sale shall be applied as follows viz<sup>t</sup> that the said Mary who was the Widow of the said James Hall shall have the use and improvement of one third thereof in lieu of dower during her natural life, and that the other two thirds be put to Interest for the said Child, and that the same with the Interest be paid to her when of age, and that she shall receive the other third reserved for her mothers use immediately after her decease unless provided that the debts of the said James deceased be first all discharged. [*Passed July 2.*]

## CHAPTER 69.

### RESOLVE IMPOWERING DESIRE BANGS, EXECUTRIX, TO RECONVEY LANDS.

Legislative  
Records of the  
Council, xxix.,  
115.

House Jour-  
nal, pp. 23, 97.

A PETITION of Desire Bangs of Harwich in the County of Barnstable Executrix of the last Will and Testament of Benjamin Bangs late of said Harwich deceased Setting forth That on the 20 day of March 1769 the said Benjamin took a Deed of sale of one Joseph Wing of a certain Woodlot containing about 35 acres and of a piece of Salt meadow containing about one acre the consideration whereof being forty pounds, and at the same time the said Benjamin obliged himself to reconvey the premises to the said Wing on repayment of the said Sum by a certain time, but that the said Benjamin died before the arrival of the said time That the said Land will sell for about fourteen pounds more than the consideration aforesaid, and the said Wing, being poor, is desirous of redeeming the same That the said deceased took a Deed on the 10 day of January 1767 of one Benjamin Lincoln of a small dwelling house and about one acre of Land the consideration of which being thirty two pounds, and at the same time obliged himself to reconvey the premises to the said Lincoln and praying that she may be empowered to reconvey the premises to the said Wing and Lincoln upon their repaying the Sums aforesaid; the time for the redemption of the premises being now elapsed notwithstanding.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is hereby fully impowered to reconvey to the said Joseph Wing and to the said Benjamin Lincoln the respective Lands which her deceased Husband held by Deeds from them severally, upon their paying to her the several Sums of money which they were obliged to pay in case the time had not been expired for the redemption thereof, which Deeds shall hold the same to them severally their Heirs and assigns forever, provided also that she shall do the same under the immediate direction and inspection of the Judge of Probate for the County of Barnstable, and at the same time shall account with him for the same to be applied as in and by her late Husbands Will is directed. [*Passed July 2.*]

## CHAPTER 70.

### RESOLVE ORDERING AN ADDITION TO THE ESTABLISHMENT OF FORT POWNALL.

In the House of Representatives.

*Resolved* that there be an addition of five privates to the Establishment for the Garrison at Fort Pownall Voted by this House the 25 of June last and that their Wages be fixed at twenty four shillings ~~per~~ month.

In Council, Read and Concurred. [*Passed July 3.*]

Legislative  
Records of the  
Council, xxix.,  
117.

Legislative  
Records of the  
Council, xxix.,  
91. House  
Journal,  
pp. 109, 102.

## CHAPTER 71.

### RESOLVE IMPOWERING PHILIP MILLARD, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Philip Millard Guardian to Mary Millard a minor daughter of Nathaniel Millard late of Rehoboth in the County of Bristol dec<sup>d</sup> Setting forth That the said minors Personal Estate is insufficient to pay the expence he has been at for her support and what he paid the former Guardian, by the Sum of £13.5.3 and praying that he may be impowered to make sale of the said minors Real Estate appraised at £41; or so much thereof as shall be sufficient to discharge the said Sum of £13.5.3 and the charges of sale.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner be and he accordingly is hereby fully impowered to make sale of so much of the said minors Real Estate as will be necessary to discharge the debt and Interest and charges in his Petition mentioned, and make and execute a good Deed thereof; he observing the rules of the Law relative to the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Bristol that the proceeds of said sale shall be applied for the purpose aforesaid, and that it be sold where it will be least prejudicial to said Minor, and that it be done with the advice and direction of said Judge of Probate, and that he will duly account for the same. [*Passed July 3.*]

Legislative  
Records of the  
Council, xxix.,  
119.

House Jour-  
nal, pp. 85, 95,  
96. Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 548, chap. 33.



## CHAPTER 72.

## RESOLVE CONFIRMING THE PROCEEDINGS AT THE MEETING OF THE TOWN OF POWNALBOROUGH.

Legislative  
Records of the  
Council, xxix.,  
121.

House Jour-  
nal, p. 104 *bis*.

A PETITION of the Selectmen of Pownalborough in the County of Lincoln Praying that the proceedings of the said Town at their annual meeting on the 12<sup>th</sup> day of March last may be confirmed; any defect in the warning of said meeting notwithstanding.

The foregoing Petition being Read, thereupon

*Resolved* and

*Ordered* that the prayer of the Petition be granted, and that all the acts and proceedings at the meeting of said Town of Pownalborough mentioned therein, be and hereby are confirmed and established to all intents and purposes. [*Passed July 4.*]

## CHAPTER 73.

## ORDER APPOINTING A COMMITTEE TO SEE TO THE BUILDING OF TWO POWDER MAGAZINES.

Legislative  
Records of the  
Council, xxix.,  
122. Mass.  
Archives,  
lxxx., 692.

House Jour-  
nal, p. 106.  
Province  
Laws, v., 167,  
chap. 9.

In the House of Representatives

*Ordered* that M<sup>r</sup> Hancock Cap Thayer and M<sup>r</sup> Remington with such as the Hon<sup>le</sup> Board shall joyn be a Committee, in the Recess of this Court to see to the building two publick magazines for the safe keeping of powder in pursuance of an Act of this Court, passed in the present Session

In Council Read & Concurred, & Will<sup>m</sup> Brattle & Thomas Hubbard Esq<sup>rs</sup> are joined in the Affair. [*Passed July 4.*]

## CHAPTER 74.

## RESOLVE IMPOWERING THE COMMITTEES OF THE TOWNS OF DORCHESTER AND STOUGHTON TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
123.

Mass.  
Archives,  
lviii., 594, 595.  
House Jour-  
nal, pp. 87, 100,  
103. *Ante*,  
p. 239, chap. 27.

A PETITION of Elijah Davis and others a Committee of the Town of Dorchester and of Elijah Dunbar and others a Committee of the Town of Stoughton Praying that they may be impowered to make sale of 800 acres of Land now lying in Wrentham, which was laid out and appropriated by the Town of Dorchester in the year 1657 for the benefit of a Free School in said Town, and was Leased in the year 1709, to M<sup>r</sup> Robert Calef his Heirs and assigns, for the term of 308 years; and that the money arising by said sale be applied for the benefit of Free Schools in said Towns; Doctor Timothy Stevens the present Lessee joining in the prayer of the Petition.

On the Petition of the Committees of the Towns of Dorchester and Stoughton,

*Resolved* that the Petitioners be and are hereby impowered to make sale of the Lands in the Petition mentioned for the most the same will sell for, and make and execute a good Deed or Deeds of



the same to the purchaser or purchasers, and that two thirds of the proceeds thereof be delivered to the Treasurer of the Town of Dorchester, and the other third to the Treasurers of the Town of Stoughton and District of Stoughtonham in the same proportion said Town and District received of the Income of said Estate before the sale therefore, which shall be put to Interest with the advice of the Selectmen of said Towns and District from time to time, and the Interest arising thereon to be applied for the benefit of a free School in each of said Towns & District of Stoughtonham and for no other purpose. [*Passed July 4.*]

## CHAPTER 75.

RESOLVE ALLOWING £15 TO DR. W<sup>M</sup> DEMING.

A PETITION of William Deming Praying an allowance for Medicines and attendance on William Figgins, Thankful his Wife, and one of their Children Indians of Natick

[*Read and*]

*Resolved* that there be allowed and paid out of the public Treasury to Doctor William Deming the Sum of fifteen pounds in full discharge for medicines and attendance on the Indians mentioned in said petition. [*Passed July 4.*]

Legislative  
Records of the  
Council, xxix.,  
123.

Legislative  
Records of the  
Council,  
xxviii., 477.  
House Journal,  
pp. 89, 90.

## CHAPTER 76.

RESOLVE ALLOWING £13. 6. 8 EACH TO EDM<sup>D</sup> TROWBRIDGE AND JAMES OTIS, ESQ<sup>ES</sup>.

*Resolved* that the Sum of Thirteen Pounds Six Shillings & Eight pence be paid out of the publick Treasury to the Hon Edmund Trowbridge Esq<sup>r</sup> & the like Sum of thirteen pounds Six Shillings & Eight pence to the Hon James Otis Esq<sup>r</sup> in full Compensation for the Services they performed in recovering the Provinces part of certain Seizures at Salem being Eight hundred & Eighty Eight pounds which was paid into the Treasury the 16 Jan<sup>y</sup> 1766. [*Passed July 4.*]

Legislative  
Records of the  
Council, xxix.,  
124. Mass.  
Archives, civ.,  
603.

Mass.  
Archives, civ.,  
602. House  
Journal,  
pp. 106, 107.

## CHAPTER 77.

RESOLVE ALLOWING £4 TO THE REV<sup>D</sup> ED<sup>D</sup> WIGGLESWORTH.

*Resolved* that there be allowd & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Edward Wigglesworth the Sum of four pounds for his Services as Chaplin to the two Houses during the present Session. [*Passed July 4.*]

Legislative  
Records of the  
Council, xxix.,  
124. Mass.  
Archives, xiv.,  
634.

House Journal,  
pp. 103, 104.

Legislative  
Records of the  
Council, xxix.,  
124. Mass.  
Archives,  
xxxiii., 639.

Legislative  
Records of the  
Council, xxix.,  
124. House  
Journal,  
pp. 108, 110.  
*Ante*, p. 308,  
chap. 117.

## CHAPTER 78.

## VOTE CHOSING GUARDIANS FOR THE NATICK INDIANS.

THE TWO HOUSES pursuant to agreement proceeded to the choice of Guardians for the Natick Indians and upon sorting and counting the Votes it appeared that M<sup>r</sup> Abrah<sup>m</sup> Bigelow, Cap<sup>t</sup> Seth Kingsbury, & M<sup>r</sup> Joseph Mellen were chosen. [*Passed July 4.*<sup>1</sup>]

## CHAPTER 79.

RESOLVE CONFIRMING PLANS OF 1,200 ACRES OF EQUIVALENT LAND LAID OUT FOR THE HEIRS OF ELIZ<sup>A</sup> RAND.

Legislative  
Records of the  
Council, xxix.,  
125.

House Jour-  
nal, pp. 80, 84.  
Province  
Laws, xii., 61,  
chap. 122.  
*Ante*, p. 308,  
chap. 180.

THE PLANS of two Tracts of Land, lying in the Easterly part of the County of Berkshire, laid out by Jacob Brown Surveyor to satisfy the Grant of twelve hundred acres of Land made by this Court to the Heirs of Elizabeth Rand deceased on the 20<sup>th</sup> day of February 1768 were presented for allowance; one Tract beginning at a hemlock Tree marked **TR** and Stones laid round it standing on Tyringham Equivalent South line 160 Rods West<sup>ly</sup> from said Equivalent South-east corner, and from thence runing South 20 degrees West 160 Rods to a Pond commonly called the Long pond bounding East on a former Grant, then bounding Southwest and Easterly on said Long pond and Southerly on a Creek wherein said long Pond empties itself into a Pond commonly called the little Pond, then bounding Southerly on said little Pond to the East line of M<sup>r</sup> William Taylor's Grant, then runing north 20 degrees East 82 Rods to said Taylor's north-east corner, bounding West on said Taylor's Grant, then turning and runing West 20 degrees north 220 Rods to said Taylors north-westerly corner bounding South on said Taylors Grant, then turning and runing north 9 degrees East 227 Rods to said Tyringham Equivalent South line bounding West on Province Lands, then turning and runing East 9 degrees South 464 Rods to the place where began bounding north on said Equivalet Land, and contains 692 acres besides an allowance for a small pond containing 15 acres. The other Tract beginning at the Southeasterly corner of a Grant of Land called Belchers Grant, and from thence runing South eighty two Rods to a Beach staddle marked thus **TR** and Stones laid round it, and then turning and runing East 250 Rods to a hemlock Tree marked thus **TR** bounding South on Province Lands and then turning and runing north 331 Rods to a hemlock and Stones laid round it bounding East on Province Lands, then turning and runing West 250 Rods to the East line of said Belchers Grant, bounding north on Province Lands, then turning and runing South 248 Rods to the first mentioned corner and bounds West partly on said Belchers Grant and partly on Province Lands and contains 517 acres and 30 Rods of Ground, 9 acres and 30 Rods of said Land is allowed for the Country Roads which runs thro' the same. Laid out in May 1768.

[Read and]

*Resolved* that both the Plans hereunto annexed, one containing

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council; according to the House Journal, p. 110, the date is July 5.

Six hundred and ninety two acres, the other containing five hundred and eight acres, delineated and described as it is set forth by Jacob Brown the Surveyor who plan'd the same, be accepted and hereby is confirm'd unto the Heirs of Elizabeth Rand deceased (mentioned in the Petition of Samuel Willis) be to them their Heirs and assigns in lieu of and full satisfaction for a grant of one thousand acres of Land granted by the General Court Decem<sup>r</sup> 5. 1734 to Robert Rand, which was lost by the late runing of the Line between this Province and New Hampshire; Provided both of said plans together do not exceed the quantity of twelve hundred acres nor interfere with any former Grant. [*Passed July 4.*]

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## CHAPTER 80.

### RESOLVE TRANSFERING APPROPRIATION.

*Resolved* that there be a Transfer of One thousand pounds from the appropriation of Grants to the appropriation for the pay of the Court. [*Passed July 5.*]

Legislative  
Records of the  
Council, xxix.,  
127.

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House Jour-  
nal, p. 108.  
Province  
Laws, v., 108,  
chap. 8.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE EIGHTH DAY OF APRIL, A.D. 1772.

## CHAPTER 81.

Legislative  
Records of the  
Council, xxix.,  
143.

VOTE SUBSTITUTING JOSEPH TWITCHELL FOR JOSEPH MELLEN AS  
GUARDIAN OF THE NATICK INDIANS.

House Jour-  
nal, pp. 97, 98,  
108, 110, 111, 125,  
126 *bis*, 127.  
*Ante*, p. 572,  
chap. 78.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of a Guardian for the Natick Indians in the room of Cap<sup>t</sup> Joseph Mellen deceased, and upon sorting and counting the Votes it appeared that M<sup>r</sup> Joseph Twitchell was unanimously chosen. [*Passed April 10.*]

## CHAPTER 82.

RESOLVE CORRECTING A RESOLVE BY SUBSTITUTING SUSANNAH  
GRIGGS FOR MARY GRIGGS IN A PETITION FOR THE SALE OF LAND.

Legislative  
Records of the  
Council, xxix.,  
146.

House Jour-  
nal, pp. 126, 130.  
Province  
Laws, li., 151,  
chap. 10.  
*Ante*, p. 509,  
chap. 96.

WHEREAS the Great and General Court at their Sessions in April 1771 passed an Order on the Petition of John Baker administrator of the Estate of George Griggs late of Brookline in the County of Suffolk deceased and Guardian to Sarah Griggs and Abigail Griggs daughters of said George and David Weld attorney to Susannah Griggs eldest daughter of said George Griggs praying that the Petitioners may be empowered to make sale of certain Lands in said Petition mentioned, which Order is in the words following viz<sup>t</sup>

*Resolved* that the prayer of the foregoing Petition be so far granted that the Petitioner John Baker be and he accordingly is hereby fully empowered to join with Mary[\*] Griggs one of the Heirs to the within mentioned Estate in the sale of the same, and to make and execute a good deed or Deeds thereof, provided they pay the Debt due on the Mortgage in the Petition mentioned, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators, and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale after the debt due on said mortgage is deducted, shall be paid to the legal Heirs to the same with the lawful Interest thereon after the time of the sale as they shall respectively arrive at full age, in the same manner as they could by Law inherit in case the said Land had not been sold.

*Resolved* that instead of Mary[\*] Griggs mentioned in said Order it ought to have been Susannah Griggs, and that it shall be so understood. [*Passed April 11.*]

## CHAPTER 83.

## ORDERS ADJOURNING COURTS IN SEVERAL COUNTIES.

WHEREAS by reason of the great body of Snow there is yet remaining on the ground, especially in the Western parts of the Province, and the uncommon height of the Waters in the Roads to the Counties of Worcester and Hampshire, it is highly probable that the Superior Court of Judicature, Court of Assize and General Goal delivery cannot this year be held at Worcester and Northampton at the times by Law appointed for holding the same, without very great trouble inconvenience and danger to the Justices of the Court and the parties concerned, It is therefore

*Ordered* by the Governor, Council and House of Representatives That the said Superior Court of Judicature, Court of Assize and General Goal delivery shall, this year, be holden at Worcester on the last Tuesday of April current, and at Northampton on the first Tuesday of May next, and not before. And as that will of course prevent the Superior Court of Judicature, Court of Assize and General Goal delivery being held at Barnstable at the time by Law appointed therefor, It is hereby further

*Ordered* by the Governor, Council and House of Representatives That the said Court shall be held this year at Barnstable on the fourth Tuesday of May next and not before; and that all Writs, processes and Recognizances returnable to and all appeals made to the said Superior Court of Judicature, Court of Assize and General Goal delivery by Law appointed to be held at Barnstable Worcester or Northampton, and all Causes, matters and things that have day or that might have been had, moved or done at, in or by the said Court at either of the times or places so appointed for holding the same, shall be returnable to and may be entered, prosecuted, had, moved and done at in and by the said Court at the respective times hereby appointed for holding the same in those several places aforesaid. And that the respective Sheriffs of the said Counties shall take immediate and effectual care that this Order be forthwith published and made known throughout their respective Counties aforesaid. [*Passed April 14.*]

Legislative  
Records of the  
Council, xxix.,  
151.

House Jour-  
nal, pp. 134, 135,  
139, 143. Prov-  
ince Laws, v.,  
44, chap. 17.

## CHAPTER 84.

## RESOLVE DIRECTING THE ANNEXATION OF CERTAIN LANDS WITH THE INHABITANTS THEREOF TO THE TOWN OF BECKET.

A PETITION of Ephraim Perkins, John Lothrop and Joshua Bowen owners of a Tract of Land lying adjoining to the South side of Becket in the County of Berkshire being a Grant made to the hon<sup>ble</sup> John Chandler Esq<sup>r</sup> containing one thousand acres and the northerly half of the Grant made to Andrew Belcher Esq<sup>r</sup> containing five hundred acres Setting forth That the Lands aforesaid are without the bounds of any Town and are so situated that the Petitioners apprehend they cannot ever be so well accommodated in any Town as they can be in the Town of Becket That the Town of Becket hath voted to receive them and their Lands aforesaid. And praying that they may be annexed to Becket accordingly.

Legislative  
Records of the  
Council, xxix.,  
154.

House Jour-  
nal, pp. 131, 137.  
Province  
Laws, xli., 416,  
chap. 136;  
xvii., 411, chap.  
74.

[Read and]

*Resolved* that the prayer of said Petition be granted and that the Tract of Land lying on the South side of Becket in the County of Berkshire being a Grant of Land made to the hon<sup>ble</sup> John Chandler Esq<sup>r</sup> containing one thousand acres; also that the northwardly half of a Grant of Land made to the hon<sup>ble</sup> Andrew Belcher Esq<sup>r</sup> containing five hundred acres, be annexed to and accordingly is hereby made part of the Township of Becket, and the Inhabitants on the Land annexed as aforesaid shall always hereafter be intitled to the same privileges and subjected to the same duties as the Inhabitants of the Township of Becket aforesaid are or may be intitled or subjected to. [*Passed April 14.*]

## CHAPTER 85.

RESOLVE IMPOWERING SAM<sup>l</sup> NASH, GUARDIAN, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
156.

House Jour-  
nal, pp. 123, 138.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Samuel Nash of Abington Guardian of Joshua, Gideon and Mary Brimhall minors Children of Samuel and Mary Brimhall late of said Abington deceased Setting forth, That the said minors are siezed in right of their said mother of half an acre of Land with half an old House thereon which is very much out of repair, and that the said minors have no Estate to repair the same. And praying that he may be impowered to make sale of the premises for the benefit of the said Children.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and hereby is accordingly impowered to make sale of the half House and half acre of Land in his Petition mentioned for the most the same will fetch, and make and execute a good sufficient Deed or Deeds thereof, provided he observe the rules of the Law for the sale of Real Estates by Executors and administrators and give security to the Judge of Probate for the County of Plymouth that the proceeds of said sale shall be applied for the use and benefit of the said Children. [*Passed April 15.*]

## CHAPTER 86.

RESOLVE ACCEPTING REPORT OF THE COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES, AND DISCHARGING THE PROVINCE TREASURER OF £89,304. 10.

Legislative  
Records of the  
Council, xxix.,  
157.

Legislative  
Records of the  
Council, xxix.,  
107. House  
Journal, pp. 97,  
98, 143.

THE COMMITTEE appointed to repair to the Treasurers and take an account of the Government Securities and see them burnt and consumed to ashes, having attended that Service and received of Mr Treasurer Gray Government Securities payable in June 1771 Eighty four thousand six hundred and forty eight pounds, the Interest paid thereon four thousand, six hundred and fifty six pounds, ten shillings, making in the whole Eighty nine thousand three hundred & four pounds, ten shillings, which we have seen burnt and consumed to ashes.

Treasurers office Feb<sup>r</sup> 21. 1772

JOHN ERVING *per* Order



Read and accepted and

*Resolved* that the Treasurer be and hereby is discharged of the aforesaid Sum of Eighty nine thousand, three hundred and four pounds, ten shillings. [*Passed April 15.*]

## CHAPTER 87.

RESOLVE IMPOWERING JA<sup>S</sup> SHEPARD, GUARDIAN TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Shepard Guardian of Joseph Trumble a minor Son of Joseph Trumble late of Enfield deceased Setting forth That at the desire of the mother and other near Relations he hath placed the said minor as an apprentice to an apothecary; in doing of which he was obliged to engage a Sum of money to his master That the said minor is the owner of a homelot in the Township of Sandisfield in this Province being homelot N<sup>o</sup> nine containing about forty acres which is all the Estate left him by his said Father and praying that he may be impowered to make sale thereof to enable him to support and Educate the said minor.

[Read and]

*Resolved* on the foregoing Petition that the Petitioner be and he is hereby licensed and impowered to make sale of the forty acre lot in his Petition mentioned for the most it will fetch and to make and execute a sufficient Deed or Deeds of bargain and sale thereof; he first giving sufficient security to the Judge of Probate for the County of Berkshire by Bond of the Sum of double the supposed value of the said lot of Land and executed not only by the said Petitioner but also by good Sureties residing in and belonging to this Province, and Conditioned that the said Petitioner apply the proceeds of the said sale first for the payment of the debts of the said deceased, if any remain unpaid, and the residue for the benefit of the said minor as in his Petition mentioned; and that the overplus, if any there be, be put to Interest for the said Minor and paid to him when he shall arrive to the age of twenty one years; and that the Petitioner observe the rules and directions in the sale of the same which are prescribed by Law to be observed by Executors & administrators in the sale of Real Estates. [*Passed April 15.*]

Legislative  
Records of the  
Council, xxix.,  
157.

House Jour-  
nal, pp. 138, 139.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 88.

RESOLVE IMPOWERING THE GUARDIANS OF LYDIA SQUINN, INDIAN, TO SELL LAND.

A PETITION of Lydia Squinn of Middleborough Indian Woman Setting forth That she is justly indebted to M<sup>r</sup> John Fryes of the said Town and has about five acres and three quarters of wild Land lying near to the said Fryes, for which he is willing to allow her what may be thought reasonable. And praying that she may be enabled to make sale of the said Land, under the inspection of her Guardians, to pay her Debts.

[Read and]

*Resolved* that the Prayer of said Pitition be Granted and the said

Legislative  
Records of the  
Council, xxix.,  
158. Mass.  
Archives,  
xxxiii., 542.

Mass.  
Archives,  
xxxiii., 541.  
House Jour-  
nal, pp. 134, 139.  
Province  
Laws, xvi., 241,  
chap. 76, note.

Gardans<sup>1</sup> are Impowered to sell said Land agreeable to a Law of this Province In that Cace made and Provided and Execute a Good and Lawfull Deed of the same. [*Passed April 15.*]

## CHAPTER 89.

### RESOLVE ALLOWING £800 TO THE JUSTICES.

Legislative  
Records of the  
Council, xxix.,  
159. Mass.  
Archives, civ.,  
xliv., 721.

House Jour-  
nal, p. 141.

*Resolved*, That the Sum of Eight hundred pounds be granted and allowed out of the publick Treasury, to the honorable the Justices of of<sup>1</sup> the Superior Court of Judicature, Court of Assize, and General Goal Delivery, for the faithful Discharge of their Trust for one Year, ending the first Day of January last. [*Passed April 15.*]

## CHAPTER 90.

### RESOLVE ALLOWING £267 TO THE TREASURER.

Legislative  
Records of the  
Council, xxix.,  
159. Mass.  
Archives, civ.,  
605.

House Jour-  
nal, p. 142.

*Resolved*, That the Sum of Two hundred & Sixty seven pounds be granted and allowed to be paid out of the publick Treasury to the honorable Harrison Gray Esq<sup>r</sup> Treasurer and Receiver-General of his Majesty's Revenues of this Province for one Year's Service, ending the Twenty third of December last. [*Passed April 15.*]

## CHAPTER 91.

### RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xxix.,  
159.

House Jour-  
nal, p. 142.

In the House of Representatives.

*Resolved* that there be granted and allowed to be paid out of the public Treasury the Sum of four shillings per diem, to the hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> Speaker of this House for every day of his attendance in the General Court from the opening of the Session on the twenty ninth of May 1771 over and above his pay as a member of this House.

In Council, Read and Concurred. [*Passed April 15.*]

## CHAPTER 92.

### RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xxix.,  
159.

House Jour-  
nal, p. 142.

In the House of Representatives

*Resolved* that there be granted and allowed to be paid out of the public Treasury to M<sup>r</sup> Samuel Adams the Sum of ninety pounds for his Service as Clerk of this House during the several Sessions of the General Court in the current year.

In Council, Read and Concurred. [*Passed April 15.*]

<sup>1</sup> Sic.

## CHAPTER 93.

## RESOLVE ALLOWING £110 TO THE MESSENGER.

*Resolved* that there be allowed and paid out of the public Treasury to M<sup>r</sup> William Baker Messenger to the General Assembly the Sum of One hundred and ten pounds in consideration of his faithful services to his Excellency the Governor, the Council and House of Representatives one year ending in May next. [*Passed April 15.*]

Legislative  
Records of the  
Council, xxix.,  
160.

House Jour-  
nal, p. 142

## CHAPTER 94.

## RESOLVE ALLOWING £4 TO THE CHAPLAIN OF THE TWO HOUSES.

*Resolved* that there be allowd & paid out of the publick Treasury to the Rev<sup>d</sup> Doctor Nathaniel Appleton the Sum of four pounds for his Services as Chaplin to the two Houses of this Assembly during the present Session. [*Passed April 15.*]

Legislative  
Records of the  
Council, xxix.,  
160. Mass.  
Archives,  
lviii., 597<sup>a</sup>.

House Jour-  
nal, p. 142.

## CHAPTER 95.

## RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury the Sum of Two hundred pounds to the Reverend M<sup>r</sup> Samuel Lock, President of Harvard-College, over and above the Rents of Massachusetts-Hall, for his Services for one Year, commencing the Twenty first of March last, to be paid Quarterly. [*Passed April 15.*]

Legislative  
Records of the  
Council, xxix.,  
160. Mass.  
Archives,  
lviii., 597.

House Jour-  
nal, p. 141.

## CHAPTER 96.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the Public Treasury to John Winthrop Esq<sup>r</sup> Hollisian Professor of Mathematicks and Natural Philosophy at Harvard College in Cambridge the Sum of one hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him for one year, ending the thirteenth day of January last. [*Passed April 15.*]

Legislative  
Records of the  
Council, xxix.,  
160.

House Jour-  
nal, p. 142.

## CHAPTER 97.

## RESOLVE ALLOWING £80 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the Public Treasury to M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the Sum of Eighty pounds

Legislative  
Records of the  
Council, xxix.,  
160.

House Journal, p. 142.

as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him for one year ending the twenty fifth day of January last. [*Passed April 15.*]

## CHAPTER 98.

RESOLVE ALLOWING £40 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

Legislative Records of the Council, xxix., 161.

House Journal, p. 142.

*Resolved* that there be granted & allowed to be paid out of the public Treasury to M<sup>r</sup> Stephen Sewall Hancock Professor of the Hebrew and other Oriental Languages at Harvard College in Cambridge the Sum of Forty pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him the last year. [*Passed April 15.*]

## CHAPTER 99.

RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Legislative Records of the Council, xxix., 162. Mass. Archives, lxxx., 696.

House Journal, p. 141.

*Resolved* that there be allowd and paid out of the publick Treasury to the Hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> Commissary General the Sum of One hundred & fifty Pounds in full for his Services for one year. [*Passed April 16.*]

## CHAPTER 100.

RESOLVE ALLOWING £20 ADDITIONAL TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Legislative Records of the Council, xxix., 162.

House Journal, p. 148. *Ante*, p. 579, chap. 97.

*Resolved* that there be allowed and paid out of the public Treasury to the Rev<sup>d</sup> Edward Wigglesworth Hellisian Professor of Divinity at Harvard College for his Services in addition to the Grant of Eighty pounds made and passed yesterday, the Sum of Twenty pounds. [*Passed April 16.*]

## CHAPTER 101.

RESOLVE CONFIRMING A TRACT OF LAND TO ANDREAS CARNER.

Legislative Records of the Council, xxix., 163. Mass. Archives, cxviii., 569.

Mass. Archives, cxviii., 567–570. House Journal, pp. 126, 145. Province Laws, xli., 29, chap. 56; 245, chap. 272; xlii., 334, chap. 249.

A PETITION of Anderes Carner Setting forth That when the Indians, who lived on and claimed the Lands now Sheffield, made sale thereof to the English, to whom the General Court had granted the same, they reserved for themselves a Tract in said Township on the West side of Housatonnock River about three quarters of a mile in width extending from the said Housatonnock River Westward to a mountain called Tauconnick mountain; which said reserved Tract extends not only through the Township of Sheffield, but extends West of Sheffield West line eight hundred and sixty Rods That part of said reserved Lands lying within the Township of Sheffield,

the Committee for settling the Indians at Stockbridge exchanged for some rights belonging to some of the Proprietors of Upper Housatonnock Township; the remainder of said reserved Lands which lay West of Sheffield West line and between said line and said Taukonnick mountain the Indians gave the one half to the Petitioner and the other half to one John Vanguilder viz<sup>t</sup> the north half to the Petitioner and the South half to the said Vanguilder That afterwards the Petitioner obtained liberty of the Court of General Sessions of the peace, and took a Lease of the Indians for ninety nine years, but now, after forty years labour on the said Lands, he is told that his Title is defective That the Petitioners Lease does not extend to the said Taukonnick mountain by eighty two rods; which said Tract of eighty two rods, and half the width of the said reserved Lands, was given by said Indians to him and he hath been many years in the improvement of the same. And praying that one half viz<sup>t</sup> the north half of said reserved Lands lying West of the West line of Sheffield, that is to say, twenty seven chains and thirty one Links in breadth on the north side of the said reserved Indian Land extending from the said West line of Sheffield to the said Taukonnick mountain, where the known West boundaries of said reserved Lands do terminate, may be confirmed to him.

[Read and]

*Resolved* that all the Right Tittle and interest of this Province in & to the Said tract of Land Specified in s<sup>d</sup> Petition be & hereby is granted & Confirmed unto the Said Anderes Carner his Heirs & assigns forever, provided he fulfill & perform the Conditions of the Said Lease According to the tenor thereof, and all other agreements made between S<sup>d</sup> Carner & the Indians relative thereto or any part thereof. [*Passed April 16.*]

## CHAPTER 102.

VOTE CHOOSING THOMAS CUSHING, ESQ<sup>r</sup>, COMMISSARY GENERAL.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of Civil officers for the present year, when Thomas Cushing Esq<sup>r</sup> was chosen the officer for purchasing Provisions &c for the several Forts and Garrisons by a major part of the Votes of the Council and House of Representatives. [*Passed April 16.*]

Legislative  
Records of the  
Council, xxix.,  
165.

House Jour-  
nal, p. 148.

## CHAPTER 103.

VOTE CHOOSING JAMES RUSSELL, ESQ<sup>r</sup>, COMMISSIONER OF IMPOST.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil officers for the present year, when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major vote of the Council and House of Representatives. [*Passed April 16.*]

Legislative  
Records of the  
Council, xxix.,  
165.

House Jour-  
nal, p. 148.

## CHAPTER 104.

## ORDER DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

Legislative  
Records of the  
Council, xxix.,  
165. Mass.  
Archives, civ.,  
606.

House Jour-  
nal, pp. 147, 148,  
149, 151. *Ante*,  
p. 527. *Infra*,  
p. 584, chap.  
109.

In the House of Representatives.

*Ordered*, That no Person who shall be chosen by this Court into the Office of Treasurer and Receiver-General for this Province for the present year, shall be esteemed duly qualified to enter upon the Execution of that Office, until he shall first have an Oath administered to him for the faithful Performance of the Trust of his said Office, and shall give Bond with sufficient Sureties, to the Acceptance of a committee to be appointed by this Court to Judge in their behalf both of the Sufficiency of y<sup>e</sup> suretys and of Such bond, in the Sum of Fifty Thousand pounds Lawful money, to the three eldest Councillors of this Province, for the Time being, who are hereby appointed a Committee in behalf of the Province, and especially authorized to take y<sup>e</sup> s<sup>d</sup> bond to themselves to y<sup>e</sup> use of y<sup>e</sup> Province: Which Bond shall be conditioned for such Treasurers duly and faithfully discharging the Duty of his Office, according to Law; and for his rendering an Account, when and so often as he shall be required by the General Court of all and any such Sum or Sums of money Securitys and other estate of this Province as he shall from Time to Time receive or be possessed of to y<sup>e</sup> use of y<sup>e</sup> s<sup>d</sup> province, and for his well and truly paying and delivering to his Successor in said Office, or to any other Person that may be appointed by the General Court to receive the same, all such Sum or Sums of Money Securitys or other estate of the s<sup>d</sup> province as upon such Settlement of his said Accounts, or otherwise, shall be found due and payable from him to the Province or for which he shall be found accountable and it is also

*Ordered*, that in case Such bond Shall not be put in Suit within Three years from y<sup>e</sup> date thereof it Shall be Void and of none effect. And that M<sup>r</sup> Hancock & M<sup>r</sup> Adams with such as the honorable Board shall join, be a Committee to Judge of the Sufficiency of the the<sup>1</sup> bond to be taken as afores<sup>d</sup> and of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council Read & Concurred & Ja<sup>s</sup> Russell Esq<sup>r</sup> is Joined.  
[*Passed April 16.*]

## CHAPTER 105.

## RESOLVE DIRECTING THE TRUCKMASTER AT FORT POWNALL TO GIVE BOND WITH SURETIES.

Legislative  
Records of the  
Council, xxix.,  
165. Mass.  
Archives, cxv.,  
690.

House Jour-  
nal, pp. 148, 149.  
*Infra*, p. 584,  
chap. 110.

*Resolved* that no Person who shall be Chosen by this Court into the Office of Truckmaster for Fort Pownall for the Present Year Shall be Esteemed Duly Qualified to Enter upon the Execution of that Office until he shall first have an Oath administered to him for his faithful Performance of the Duty of His Said Office And Shall Give Bond with Sufficient Sureties to the Province Treasurer to His Acceptance in the Sum of one thousand Pounds Lawful money which Bond shall be Conditioned for Such Truckmasters truly and faithfully Discharging the Duty of his Office according to such Instruc-

<sup>1</sup> *Sic.*



tions as he Shall Receive in his Said office and for his Rendering an account and paying in all Ballances which shall be Due from him to the Commissary General (appointed by the General Court) when and so often as he Shall be by Said Commissary Gen<sup>l</sup> thereunto Required. [*Passed April 16.*]

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## CHAPTER 106.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

THE ACCOUNT of George Godfrey Esq<sup>r</sup> Treasurer of the County of Bristol being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law enabled said Court to grant therefore

*Resolved* that said account be allowed. [*Passed April 17.*]

Legislative  
Records of the  
Council, xxix.,  
168.

House Jour-  
nal, pp. 12, 144.

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## CHAPTER 107.

### RESOLVE ALLOWING £65 TO REV<sup>d</sup> MR. ELI FORBES.

A PETITION of the Rev<sup>d</sup> Eli Forbes of Brookfield Praying an allowance of his account for Boarding, Cloathing and Instruncting three Mohawk Children (put under his care by the Government) from the 8 day of April last to the 2<sup>d</sup> day of Septem<sup>r</sup> following and two of them from the 2<sup>d</sup> day of Septem<sup>r</sup> last to the 13 instant and representing that one of the said Mohawks who remains with him is a young man well acquainted with farming business and able to maintain himself without obstructing the benevolent design of his Education, but is not willing to labour while he is supported from another quarter and praying the directions of this Court respecting him.

[Read and]

*Resolved* that the prayer of the foregoing Petition be So far Granted as that there be paid to the Petitioner out of the Interest on S<sup>t</sup> Peter Warrens Donation the Sum of of<sup>1</sup> Sixty five pounds In full Discharge of His account for boarding Cloathing & Instruncting the Indian Children in his petition mentioned until the 13<sup>th</sup> Day of April Instant. & further

*Resolved* that the Said M<sup>r</sup> Forbes be allowed to put the young man mentioned in his Petition to the Business of Husbandry So as to Earn his own Subsistance (unless the Said M<sup>r</sup> Forbes Should think proper to return him to his Frinds) And that he make no further Charge for him on the aforementioned Donation until the further order of this Court. [*Passed April 17.*]

Legislative  
Records of the  
Council, xxix.,  
169. Mass.  
Archives,  
xxxiii., 550.

Mass.  
Archives,  
xxxiii., 548.  
House Jour-  
nal, pp. 138, 150,  
151. *Ante*,  
p. 489, chap. 50.

<sup>1</sup> *Sic.*

## CHAPTER 108.

## RESOLVE CONFIRMING 300 ACRES OF EQUIVALENT LAND TO THE HEIRS OF EDWARD PARK.

Legislative  
Records of the  
Council, xxix.,  
169.

House Jour-  
nal, pp. 138, 145,  
146. Province  
Laws, xv., 99,  
chap. 232.

A PETITION of Edward Durant and others Heirs of Edward Park late of Newton deceased Setting forth That in the year 1754 the General Court granted to the said Edward Park three hundred acres of the unappropriated Lands in the Province and directed him to return a plan thereof in one year; but, the said Edward Park soon after died, and his Heirs being under age 'till very lately, no Plan of the said Land has been returned until this time and praying that the Plan thereof exhibited with their said Petition may be confirmed to them.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Plan hereunto annexed of three hundred acres of Land delineated and described as follows viz<sup>t</sup> begining at Green & Walkers Grant and runing Easterly on the northerly line of Colrain 487 rods to a Stake, then the line runing 136 rods northerly by the Province Land to the north line of the Province to a stake, then runing Westerly on the Province line 253 rods to Uxbridge's Grant, thence Southerly by Uxbridge's Grant 124 rods, thence runing Westerly by Uxbridge's Grant 226 rods to Green and Walkers Grant, thence runing Southerly by Green and Walkers Grant 49 rods to the line first mentioned, be accepted and hereby is confirmed unto the Heirs of Edward Park deceased within named and to their Heirs and assigns forever in lieu of and full satisfaction for the loss of Land the within named Edward Park was ejected out of, by the Proprietors of the common and undivided Lands in Dunstable; provided that it doth not exceed the quantity of three hundred acres, nor interfere with any former Grant. [*Passed April 17.*]

## CHAPTER 109.

## VOTE CHOOSING HARRISON GRAY, PROVINCE TREASURER.

Legislative  
Records of the  
Council, xxix.,  
171.

House Jour-  
nal, p. 152.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil officers for the present year when Harrison Gray Esq<sup>r</sup> was chosen Treasurer and Receiver General for the Province by a major vote of the Council and House of Representatives. [*Passed April 17.*]

## CHAPTER 110.

VOTE CHOOSING M<sup>r</sup> JEDIDIAH PREBLE TRUCK MASTER AT FORT POWNALL.

Legislative  
Records of the  
Council, xxix.,  
171.

House Jour-  
nal, p. 152.

THE TWO HOUSES according to agreement proceeded to the choice of Civil offices for the present year, when M<sup>r</sup> Jedediah Preble was chosen Truckmaster for Fort Pownall by a major vote of the Council and House of Representatives. [*Passed April 17.*]

CHAPTER 111.

VOTE CHOOSING NOTARIES PUBLIC.

THE TWO HOUSES according to agreement proceeded to the choice of Civil officers for the present year, when the undermentioned Persons were chosen public notaries by a major Vote of the Council and House of Representatives.

Legislative  
Records of the  
Council, xxix.,  
171.

House Jour-  
nal, pp. 149 *bis*,  
150, 152, 153.

Suffolk	For the Port of Boston . . . . .	{ Mr Dudson Kilcup Mr Henry Alline jun <sup>r</sup>
Essex	{ Salem . . . . .	John Nutting Esq <sup>r</sup>
	{ Ipswich . . . . .	Mr Samuel Sawyer
	{ Marblehead . . . . .	Mr Thomas King
	{ Newbury . . . . .	William Atkins Esq <sup>r</sup>
Middlesex	{ Gloucester . . . . .	Daniel Witham Esq <sup>r</sup>
	{ Charlestown . . . . .	Mr Nathaniel Gorham
Plymouth	{ Plymouth . . . . .	Mr Ephraim Spooner
Barnstable	{ Barnstable . . . . .	Solomon Otis Esq <sup>r</sup>
	{ Falmouth . . . . .	Mr Joseph Parker
Bristol	{ . . . . .	Mr Winslow Lewis
	{ Jerathmeel Bowers Esq <sup>r</sup>	
Dukes County	Edgartown . . . . .	Elisha Tobey Esq <sup>r</sup>
Nantucket	{ . . . . .	Mr John Pease jun <sup>r</sup>
	{ . . . . .	Mr Stephen Hussey
York	{ York . . . . .	Daniel Moulton Esq <sup>r</sup>
	{ Kittery . . . . .	Charles Chauncey Esq <sup>r</sup>
	{ Wells . . . . .	John Wheelwright Esq <sup>r</sup>
Cumberland	Falmouth . . . . .	Mr Jonathan Webb
Lincoln	. . . . .	Mr Thomas Moulton

[*Passed April 17.*

CHAPTER 112.

RESOLVE GRANTING TO ELISHA BENT LICENSE TO KEEP AN INN.

UPON THE PETITION of Elijah Bent praying that the Justices of the Court of General Sessions of the peace for the County of Middlesex may be impowered to grant him a License to keep an open Tavern in the House in which he now dwells in Sudbury at their next Session.

Legislative  
Records of the  
Council, xxix.,  
172.

Mass.  
Archives, cxi.,  
567. House  
Journal,  
pp. 140, 141.

*Resolved* that the prayer be granted, and that the said Justices be and hereby are impowered accordingly; the Petitioner first obtaining the approbation of the Selectmen of the Town of Sudbury, the time by Law for granting Licenses in said County being elapsed notwithstanding. [*Passed April 17.*

CHAPTER 113.

RESOLVE CONFIRMING ALL THE PRIVATE OR TOWN WAYS IN THE TOWN OF BROOKFIELD.

A PETITION of Jedediah Foster Agent for the Town of Brookfield Praying that all the private or Town ways in said Town may be confirmed as such, notwithstanding they were not particularly inserted in the Warrants for calling the meetings in which they were severally granted and intended to be confirmed by said Town; provided the Selectmen and Town have proceeded agreeable to Law in all

Legislative  
Records of the  
Council, xxix.,  
173.

House Jour-  
nal, pp. 125, 129.

other respects relative to such ways and satisfaction hath been made for the same.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that all the private or Town ways within the Town of Brookfield are and shall be hereby confirmed, notwithstanding they were not particularly inserted in the Warrants for calling the meetings in which they were severally granted and intended to be confirmed by said Town; provided always that the Selectmen and the Inhabitants of said Town have proceeded agreeable to Law in all other respects relative to such ways, and satisfaction hath been made for such Ways to the persons through whose Land the same were laid. [*Passed April 17.*]

## CHAPTER 114.

### RESOLVE IMPOWERING ELISHA NILES, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xxix.,  
173.

House Jour-  
nal, pp. 124, 140,  
141. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Elisha Niles of Braintree Setting forth That as administrator of the Estate of Silas Hunt late of said Braintree deceased Intestate he has paid of the debts of the Intestate and for the support of his three Children the Sum of £28.18.4 more than the personal Estate was sufficient to discharge That as administrator on the Estate of Silence Hunt Widow of the Intestate he has paid the Sum of £8.2.7 more than the Personal Estate which came into his hands. That the sale of a part of the said Silence's Real Estate cannot be made without peculiar prejudice to the said Intestates Estate as it is included in the body of the Estate and consists partly of the buildings. And, as the Heirs to both Estates are the same, Praying that he may be empowered to make sale of so much of the said Silas Hunt's Real Estate as shall be sufficient to discharge the aforesaid Sums and charges of Sale.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to make sale of so much of the said Orphans Real Estate as shall be sufficient to discharge his account of thirty seven pounds and eleven pence and the necessary charges of the sale; provided he shall sell such part of the same as shall be least injurious to the whole and shall give sufficient security to the Judge of Probate for the County of Suffolk that he will duly account for the proceeds of such sale, and shall observe the rules and directions of the Law for the sale of Real Estates by Executors and administrators, then and in such case he shall be hereby enabled to make and execute a good and sufficient Deed or Deeds of such part as he shall sell as aforesaid. [*Passed April 17.*]

## CHAPTER 115.

RESOLVE GRANTING 200 ACRES OF LAND TO THE REV<sup>D</sup> GEO. THROOP.

A PETITION of a number of the Inhabitants and Proprietors of a Tract of Land called Tyringham Equivalent Setting forth That they have with great difficulty and expence settled the Tract of Land aforesaid, and that their situation is such, occasioned by the roughness of the Land, that it is impossible for them to join with any other Society in Religious Worship That they have settled in the Gospel ministry M<sup>r</sup> George Throop who came well recommended to them; but, being few in number and poor in Estate and having no Public Lands, as other new plantations have, they are unable to give him a settlement That there is a Tract of Province Land adjoining to said Plantation called Furness's Grant containing four hundred acres, which would greatly accommodate M<sup>r</sup> Throop and praying that the said Tract of Land may be granted to the said M<sup>r</sup> Throop in lieu of Settlement.

[Read and]

*Resolved* that two Hundred Acres of the Unappropriated Land called Furness's Grant belonging to the Province in the plantation called Tyringham Equivalent Lying at one End or side thereof be granted to M<sup>r</sup> George Throop in consideration of his Pious Labours among a Number of Poor People in said Plantation to have & to hold to him his Heirs and Assigns on Condition he continue to preach the Gospel to them for five years yet to come or shall continue with them untill his Death in Case it happen within five years he to Lay out the same with a Surveyor & chainman under Oath & return a plan thereof to this Court within one Year for Confirmation. [*Passed April 18.*]

Legislative  
Records of the  
Council, xxix.,  
174. Mass.  
Archives, xiv.,  
641.

Mass.  
Archives, xiv.,  
640. House  
Journal,  
pp. 150, 154, 155.

## CHAPTER 116.

RESOLVE ALLOWING £60 AND FURTHER SUMS TO JN<sup>O</sup> THOMAS.

A PETITION of John Thomas Keeper of the Light House on the Gurnet at the entrance of Plymouth Harbour Praying an allowance for his last years Service which expired on the 14 day of Novem<sup>r</sup> last, and also a reimbursement of the expence he has been at for Fuel at the said Light House.

[Read and]

*Resolved* that the sum of Sixty Pounds be Allowed and paid out of the Publick Treasury to John Thomas Esq<sup>r</sup> for his Service as Keeper of the Light-House on the Gurnet for one year Ending the 14<sup>th</sup> of November last. Also the further Sum of Eighteen Pounds Sixteen shillings for Twenty Cords of Wood and Charkcoal Expended at said Light House and the further Sum of Two pounds omitted in his last account. [*Passed April 21.*]

Legislative  
Records of the  
Council, xxix.,  
179. Mass.  
Archives,  
lxvi., 517.

Mass.  
Archives,  
lxvi., 516.  
House Jour-  
nal, pp. 135, 136,  
160. Province  
Laws, iv., 1005,  
note. *Ante*,  
p. 500, chap. 78.

## CHAPTER 117.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £17.2 TO ROB<sup>t</sup> BALLS.

Legislative  
Records of the  
Council, xxix.,  
179.

House Jour-  
nal, pp. 133, 136,  
160. *Ante*,  
p. 502, chap. 82.

A PETITION of Robert Balls Keeper of the Light House in the Harbour of Boston Praying an allowance for his last years service which expired on the 19 day of November last and compleated his thirty eighth year of keeping the said Lighthouse; and also a reimbursement of the sum of seventeen pounds two shillings which he advanced for 28½ Cords of Wood for the benefit of the Light.

[Read and]

*Resolved* that the Sum of Sixty pounds be allowed and paid out of the public Treasury to Robert Balls for his service as Keeper of the Light House in the Harbour of Boston for one year ending the 19 of November last; also the further Sum of Seventeen pounds two shillings for twenty eight Cords and an half of Wood which he provided, all which was expended at said Light house. [*Passed April 21.*]

## CHAPTER 118.

RESOLVE ALLOWING THE ACCOUNT OF GUARDIANS OF THE DUDLEY INDIANS.

Legislative  
Records of the  
Council, xxix.,  
179. Mass.  
Archives,  
xxxiii., 551.

Mass.  
Archives,  
xxxiii., 552.  
House Jour-  
nal, pp. 133, 147.  
Province  
Laws, xvi., 241,  
chap. 76, note.

THE COMMITTEE appointed to consider the accounts of the Guardians of Indians report on the account of the Guardians of the Dudley Indians viz<sup>t</sup> That they are right cast and well vouched, and that the said Guardians have received since their last settlement in April 1770 eighteen pounds and have paid for said Indians use and benefit for nursing, provisions, Cloathing &c thirteen pounds, sixteen shillings, and that the said Guardians are in advance the sum of Seven pounds, fourteen shillings and six pence two farthings.

SAMUEL PHILLIPS *per* Order.

Read and accepted. [*Passed April 21.*]

## CHAPTER 119.

RESOLVE ALLOWING £140 TO THE SECRETARY.

Legislative  
Records of the  
Council, xxix.,  
181. Mass.  
Archives, l.,  
432.

House Jour-  
nal, p. 161.

*Resolved*, That the Sum of One hundred and Forty pounds be granted and allowed to be paid out of the publick Treasury, to the honorable Thomas Flucker Esq<sup>r</sup> Secretary of this Province, for his Services ordinary and extraordinary, for one year Ending the Eleventh day of March 1772. [*Passed April 21.*]



## CHAPTER 120.

## RESOLVE ALLOWING £44. 10. 2 TO THE COMMITTEE FOR APPRAISING PROVINCE LANDS.

In the House of Representatives

Whereas Capt Thomas Denny John Whitcomb Esq<sup>r</sup> and Capt Benjamin White of Brookline were in the last Session Directed by this House to Repair to the western parts of this Province and view and apprise all the lands in the Countys of Hampshire and Berkshire which have not been Disposed off by order of the General Court which Service they have performed and have presented there account for allowance

*Resolved* that there be paid to them as followeth viz

To Tho<sup>s</sup> Denny fifteen pounds for twenty five Days Expences &c

To John Whitcomb Esq<sup>r</sup> thirteen pounds four Shillings for Twenty two Days Expence &c

To Benjamin White fifteen pounds twelve shillings for Twenty six Days Expences &c and to the said Com<sup>tee</sup> fourteen Shillings and two pence half peny for what they paid pilots being in the whole forty four pounds ten shillings and Two pence half peny in full Discharge of of<sup>1</sup> their several accounts aforesaid

In Council

Read & Concurred.' [*Passed April 21.*]

Legislative  
Records of the  
Council, xxix.  
181. Mass.  
Archives,  
cxviii., 601.

Mass.  
Archives,  
xli., 605.  
Legislative  
Records of the  
Council, xxix.,  
161. House  
Journal,  
pp. 103, 140.

## CHAPTER 121.

## RESOLVE IMPOWERING DANIEL GRAY AND JONATHAN CUNNINGHAM, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Daniel Gray in behalf of his Son Lamond Gray, and of Jonathan Cunningham Guardian of Archibald Forbes, minors Setting forth That Archibald Lamond late of Spencer in the County of Worcester Husbandman deceased by his last Will and Testament gave unto his Wife Margaret the improvement of his Real Estate during life, and after her decease gave the same, except five acres of meadow, to his Grandsons Archibald Lamond, John Harman, Archibald Forbes and Lamond Gray to be equally divided among them That the said Real Estate is out of repair and the improvement of it insufficient for the Widows support That the said Archibald Lamond and John Harman are of age and desirous to sell their parts in the said Estate. And praying that they may be empowered to make sale of the said minors parts in the same Estate, also; the said Widow to have the Interest of the proceeds thereof during life; and after her death the same to be disposed of agreeable to the Will of the Testator.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they hereby are fully empowered to join with the Heirs to the Estate within mentioned who are of full age and make sale of their respective Wards right in the same and make and execute a good and sufficient Deed or Deeds thereof, they observing

Legislative  
Records of the  
Council, xxix.,  
182.

House Jour-  
nal, pp. 158, 162.  
Province  
Laws, ii., 151,  
chap. 10.

the rules and directions of the Law for the sale of Real Estates by Executors & admin<sup>rs</sup> and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied for the purposes hereafter mentioned viz<sup>t</sup> that the Widow shall have the use of the whole during her natural life, and at her decease the said Children shall have their parts or shares of the said principal paid them in the same proportion as they could hold and enjoy the same Estate in case it had not been sold, provided always that the debts of the deceased are first all paid and discharged. [*Passed April 21.*]

## CHAPTER 122.

RESOLVE IMPOWERING MARY AND LUCY MARSHALL, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
184.

House Jour-  
nal, pp. 152, 155.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Mary Marshall of Boston Widow Guardian to her two Children John and Polley, and of Lucy Marshall of said Boston Widow Guardian to her only Child Samuel Marshall Setting forth That their Husbands Samuel Marshall and John Marshall deceased at the time of their deaths, together with their Brother William Marshall of Philadelphia mariner, were Tenants in common of a dwelling house in Cold Lane in Boston, which is incapable of a Division That the said William Marshall hath left a power of attorney to sell his third part thereof because the House is so greatly out of repair that the cost of repairing it would far exceed the Rents. That, for the same reason, the Petitioners apprehend it would be most beneficial to their Children also to dispose thereof and praying that they may be empowered to make sale of their Childrens shares in the premises.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they accordingly are hereby fully empowered to make sale of their several Childrens parts or shares in the Estate in their Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and severally giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale shall be put to Interest for the benefit of their respective Children, and that the principal and Interest aforesaid shall be paid them respectively when they shall arrive at full age in such proportion as they could hold by Law in case the same Estate had not been sold; provided always that if there be any debts of their respective Husbands deceased due from said Estate they shall be first paid & discharged out of the proceeds of said sales respectively. [*Passed April 21.*]

## CHAPTER 123.

RESOLVE IMPOWERING JOB SWIFT, ADMINISTRATOR, AND MARY PAYSON TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Job Swift administrator of the Estate of Henry Payson late of Stoughtonham Yeoman deceased Intestate, and of Mary Payson Widow of the said deceased Setting forth That the said deceased died siezed of about fifty acres of Land mostly wild and unsubdued, with a small dwelling house thereon, which has been appraised at the sum of £86.13.4 That the said deceaseds just debts amount to the Sum of £47 and to sell so much of said Land as shall be sufficient to pay the Creditors will render the remainder of very little value and in a great measure ruin the whole That the said Widow has now four small daughters to provide for (the eldest about five years old) and is herself in a very weak state of health, which renders her condition very difficult That it is the opinion of judicious Persons that know the place, and the circumstances of the Family, that if the whole might be sold together, it would inhanche the value of it, and be a great relief to the distress'd Widow and Children of the said deceased And praying that they may be empowered to make sale of the whole of the Real Estate aforesaid; they to be accountable.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted and that the Petitioners be and they accordingly are hereby fully empowered to make sale of the whole of the Estate in their Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, they observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale shall be applied as followeth viz' that the Widow shall have the use of one third part thereof in lieu of Dower during her natural life, and at her decease the same shall be paid to the Children of the deceased or their legal Representatives in the same proportion as they could by Law inherit, and the other parts shall be applied first to pay the just debts of the deceased, and the remainder, if any be, shall be put to Interest for the benefit of said Children. [*Passed April 21.*]

Legislative  
Records of the  
Council, xxix.,  
184.

House Jour-  
nal, p. 124.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 124.

ORDER ALLOWING BENJ<sup>A</sup> CUDWORTH A REHEARING OF AN ACTION.

THE COMMITTEE appointed the 17<sup>th</sup> instant on the Petition of Benjamin Cudworth [for a new trial of an action] reported, as their unanimous opinion, that the Petitioner be allowed a rehearing of the action mentioned in his Petition; whereupon the following Order passed, viz<sup>t</sup>

Read and accepted and thereupon

*Ordered* that the Petitioner Benjamin Cudworth be allowed a rehearing of the action mentioned in his Petition. And the Justices

Legislative  
Records of the  
Council, xxix.,  
187.

Legislative  
Records of the  
Council,  
xxviii., 46;  
xxix., 31, 70,  
143, 150, 170, 181.  
House Jour-  
nal, pp. 153, 137,  
164, 168.

of the Superior Court of Judicature &c are hereby fully authorized and impowered at their next Term at Boston in and for the County of Suffolk, on the last Tuesday in August next to hear and try said action, make up Judgment and award Execution accordingly. [*Passed April 22.*]

## CHAPTER 125.

RESOLVE CONFIRMING THE SALE OF 160 ACRES OF LAND TO SAMUEL BROWN, JUN<sup>r</sup>, AND WILLIAM GOODRICH.

Legislative  
Records of the  
Council, xxix.,  
188. Mass.  
Archives,  
xxxiii., 546.

Mass.  
Archives,  
xxxiii., 545.  
House Jour-  
nal, pp. 159, 163,  
164.

A PETITION of Joseph, Benjamin and David, Sons of Benjamin Kokhkewenauant [Sauquethquath], of Stockbridge in the County of Berkshire Indians Setting forth That their said Father died in November last, in debt about one hundred pounds lawful money That the said deceased left the Petitioners, among other Estate, a Tract of Land lying near six miles from the meeting house in Stockbridge containing about one hundred & sixty acres unimproved which, at their desire, Timothy Woodbridge Esq<sup>r</sup> has sold to Samuel Brown jun<sup>r</sup> and William Goodrich for £120; and has undertaken to discharge their said Fathers debts thereout and apply the remainder, to their use. And praying that the said Tract of Land may be confirmed to the said Samuel Brown jun<sup>r</sup> and William Goodrich.

[Read and]

*Resolved* that the prayer thereof be Granted and the Deed of the Tract of Land in their Petition mentioned is and shall be hereby Confirmed to them the Said Samuel Brown Jun<sup>r</sup> and William Goodrich and the Said Tract of land of about One hundred & Sixty acres by Said Deed Conveyed Shall be holden by the Said Samuel & William their heirs & assigns for Ever in fee (provided the Said Benjamin had a title thereto) Provided also that the purchase money in the petition mentioned Shall be applied to the payment of Such Just Debts of the Said Benjamin Deces<sup>d</sup> as the Said Timothy Woodbridge Esq<sup>r</sup> Shall think Reasonable to pay and the Remainder if there be any<sup>1</sup> be applied by the Said Timothy for the Benifet of the Petitioners. [*Passed April 22.*]

## CHAPTER 126.

RESOLVE IMPOWERING CATHERINE, INDIAN WOMAN, TO SELL LAND.

Legislative  
Records of the  
Council, xxix.,  
189. Mass.  
Archives,  
xxxiii., 544.

Mass.  
Archives,  
xxxiii., 543.  
House Jour-  
nal, pp. 159, 164.

A PETITION of Catharine, Widow of an Indian man belonging to Stockbridge whose name was Jehoiakim Shouhnockhock alias Wcome<sup>2</sup> Setting forth That the said Jehoiakim had in his life time a grant of a Wood lot made to him of fifty acres, which was laid out to him accordingly; and that he died without Children That the Petitioner is advanced in years, a cripple, and has no way to support herself under her infirmities. And praying liberty to dispose of the Tract of Land aforesaid for that purpose.

[Read and]

*Resolved* that the Prayer thereof be Granted and that the Peti-

<sup>1</sup> Sic as to parenthesis.

<sup>2</sup> Query? Yokum. See Province Laws, xvi., 275, chap. 166.

tioner be allowed to Sell the fifty acres of land in her Petition mentioned and make and Execute a good & Sufficient Deed or Deeds of the Same to Such purchaser or purchasers his her or their heirs & assigns forever to be holden in fee provided always Such Bargain Sale and Conveyance be made under the Special & Immediate Direction of Timothy Woodbridge Esq<sup>r</sup> And the proceeds thereof Shall be Applied by him for her Comfort & Support according to his Discretion he to be accountable for what may not be so Expended in her lifetime. [*Passed April 22.*]

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## CHAPTER 127.

### RESOLVE IMPOWERING JABEZ WICKET, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jabez Wicket Indian Planter of Plymouth Setting forth That he is the sole Proprietor of a piece of Land lying at the East side of the Herring Pond, so called, in said Plymouth, which is wholly surrounded by the Lands of Eleazer Ellis and Josiah Ellis containing about three acres and lies at a distance from his dwelling House and other Land and yields him at present but little profit. And praying that he may be impowered to make sale thereof to enable him to support his Family, which, at present, he is unable to do, by reason of his bodily indisposition and of Sickness in his Family.

[Read and]

*Resolved* that the prayer thereof be Granted and that the petitioner be and he accordingly is hereby fully Impowered to make Sale of the three acre Tract of land in his Petition mentioned for the most the Same will fetch and make and Execute a Good and Sufficient Deed or deeds thereof to the purchaser or Purchasers which Shall hold the Same to Such purchaser or Purchasers their heirs and assigns for Ever provided always that the Said Jabez is Sole proprietor thereof And that the Said Jabez Do the Same under the Immediate Direction of M<sup>r</sup> Stephen Nye and that the proceeds of Such Sale be put into the hands of the Rev<sup>d</sup> M<sup>r</sup> Abraham Williams of Sandwich to be by him applied for the Support of the Said Jabez and his Family according to his best Discretion the Said Abraham Williams to be acconntable for the Same. [*Passed April 22.*]

Legislative  
Records of the  
Council, xxix.,  
191. Mass.  
Archives,  
xxxiii., 558.  
Mass.  
Archives,  
xxxiii., 547.  
House Jour-  
nal, pp. 156, 163,  
170.

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## CHAPTER 128.

### RESOLVE CONFIRMING A PLAN OF AN EQUIVALENT TOWNSHIP TO CAP<sup>t</sup> JOSHUA FULLER AND OTHERS.

A PLAN of a Township, laid out in pursuance of a Grant made to Cap<sup>t</sup> Joshua Fuller and others in June last, was presented for allowance whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the Plan of the Township hereunto Annexed, Containing the Contents of Six Miles and One Quarter Square, (Exclusive of the Allowance of One thousand nine hundred Acres for the River & Ponds in Said Township; and Eight hundred & forty Acres

Legislative  
Records of the  
Council, xxix.,  
192. Mass.  
Archives,  
cxviii., 602.  
Mass.  
Archives,  
cxviii., 541, 542.  
House Jour.



nal, pp. 135, 164,  
166, 167. *Ante*,  
p. 537, chap. 12.

for Swag of Chain, being one thirtieth part thereof) bounded as followeth, beginning at a heap of Stones at the South west Corner, running North 73 Deg<sup>s</sup> East fifty one Chains and thirty links to little Amarascoggin River, thence by said River, One hundred and fourteen Chains to a White Pine Tree on the Easterly Side of said River, thence North 43 Deg<sup>s</sup> East, three hundred and forty Chains to a Spruce Tree on Sylvester Canada line, thence North 4 Deg<sup>s</sup> West five hundred & forty two Chains to a Stake and Stones, thence South 68 Deg. 30 minutes West, five hundred twenty Seven Chains, thence South 14 Deg. East Six hundred Eighty Eight Chains to the heap of Stones first mentioned Granted in June A.D. 1771 to Capt. Joshua Fuller and others mentioned in their petition, be Accepted and hereby is Confirmed to the said petitioners their heirs and Assigns forever they Complying with the following Conditions, Viz<sup>t</sup> the Grantees within Seven years Settle Sixty families in said Township, build a house for the Public Worship of God and Settle a learned Protestant minister, and lay out one Sixty fourth part for the first Settled minister, one Sixty forth part for the use of the ministry, one Sixty fourth part for the use of a School, and one Sixty fourth part for the use of Harvard College forever, PROVIDED it doth not exceed the Quantity aforementioned nor interfere with any former grant. [*Passed April 22.*]

## CHAPTER 129.

### RESOLVE CONFIRMING A PLAN OF A TOWNSHIP TO DAVID PHIPS, ESQ<sup>r</sup>, AND OTHERS.

Legislative  
Records of the  
Council, xxix.,  
193. Mass.  
Archives,  
cxviii., 604.

Maps and  
Plans, Mis.,  
xiv., 13.  
House Jour-  
nal, pp. 138, 164,  
167. *Ante*,  
p. 536, chap. 11.

A PLAN of a Township, laid out in pursuance of a Grant made to David Phips Esq<sup>r</sup> and others in June last, was presented for allowance; whereupon the following Order passed viz<sup>t</sup>.

*Resolved* that the Plan of the Township hereunto Annexed. containing the Contents of Six Miles and Three Quarters square (Exclusive of the Allowance of One Thousand Acres for Swag of Chain and Two Thousand Acres for Ponds & Rivers) Bounded as Followeth. Beginning at a Pine Tree on the Westerly side of Amarascoggin River, Thence across said River on The Head Line of a Township Granted to Samuel Livermore and others Due East Two Hundred and Thirty Two Chains Twenty Five Links to a Stake and Stones, thence North on Province Land Five Hundred and Twelve Chains to a heap of Stones, thence West on Province Land Three Hundred and Eighty Eight Chains to a heap of Stones, thence South Forty Three Deg<sup>r</sup> West Five Hundred and Thirty Two Chains On Province Land to a Pine Tree. thence south Nineteen Deg<sup>s</sup> East on Province Land Two Hundred and Sixty Chains to a stake and stones, thence on Province Land in part, and in part on the Township aforementioned to the Pine Tree first mentioned. GRANTED in June A.D. 1771 to David Phips Esq<sup>r</sup> and other's mentioned in their Petition, be Accepted and hereby is confirmed to the said Petitioners their Heirs and Assigns forever, they Complying with the Following Conditions. Viz<sup>t</sup> The Grantees within seven years Settle Eighty Families in said Township, build a house for the Publick Worship of God, and settle a Learned Protestant Minister, and Lay out one Eighty Fourth Part for the First settled Minister, one Eighty Fourth



Part for the use of the Ministry, one Eighty Fourth Part for the Use of a School, and one Eighty Fourth part for the use of Harvard College Forever. Provided it doth not exceed the Quantity aforementioned nor Interfere with any Former Grant. [*Passed April 22.*]

## CHAPTER 130.

### RESOLVE CONFIRMING A PLAN OF AN EQUIVALENT TOWNSHIP TO SAM<sup>L</sup> LIVERMORE & OTHERS.

A PLAN of a Township, laid out in pursuance of a Grant made to Samuel Livermore Esq<sup>r</sup> and others in June last, was presented for allowance whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the Plan of the Township hereunto Annexed containing The Contents of Six Miles and Three Quarters Square (Exclusive of the Allowance of one Thousand Acres for swag of Chain being one 30<sup>th</sup> part Three Thousands and Forty Two Acres for Ponds and Rivers) Bounded as Followeth Viz<sup>t</sup> Beginning at a heap of Stones on the Westerly Side Amarascoggin River at the North Easterly Corner of a Township called sylvester Canada, Thence North. Sixty Four Deg<sup>a</sup> West one Thousand and Forty One Poles to the Corner, thence North Two Thousand one Hundred Ninety and Four Poles to the Corner, Thence North Sixty Five Deg<sup>r</sup> East One Thousand One Hundred and Four Poles to Amarascoggin River, Thence East Seven Hundreds and Seventy Nine Poles. across the aforesaid River to the Corner Thence south Three Thousands, one Hundred and sixty Eight Poles to a Pile of Stones to the Corner, thence Eight Hundreds and Eighty Two Poles to the Corner First Mentioned Granted in June AD 1771 to samuel Livermore Esq<sup>r</sup> and his Associates, mentioned in their Petition be Accepted and hereby is confirmed to the said Petitioners Their Heirs and Assigns Forever, They Complying with the Following Conditions Viz<sup>t</sup> The Grantees within seven Years settle Sixty Families, in said Township, Build a House for the Publick Worship of God, and settle a Learned Protestant Minister, and Lay out one Sixty Fourth Part for the First settled Minister, one Sixty Fourth Part for the Use of the Ministry, one Sixty Fourth Part for the Use of a school, one Sixty Fourth Part for the Use of Harvard College Forever Provided it doth not exceed the Quantity aforementioned nor Interfere with any former Grant. [*Passed April 22.*]

Legislative  
Records of the  
Council, xxix.,  
133. Mass.  
Archives,  
cxviii., 606.

Maps and  
Plans, Mis.,  
xiv., 11.  
House Jour-  
nal, pp. 135, 164,  
167. *Ante*,  
p. 537, chap. 13.

## CHAPTER 131.

### RESOLVE IMPOWERING JOHN EPHRAIM, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Ephraim of Natick Indian Proprietor Set-  
ting forth That he is now about sixty three years of age, has been  
exercised with the Gout and other infirmities, by reason whereof and  
of Sickness and Deaths in his Family, he is indebted to sundry per-  
sons in about the Sum of forty pounds That, his labour being, at  
present, at an end by reason of a broken and disjointed Wrist, he

Legislative  
Records of the  
Council, xxix.,  
134. Mass.  
Archives,  
xxxiii., 554.

Mass.  
Archives,  
xxxiii., 553.

House Journal, pp. 61, 92, 164, 170. *Ante*, p. 572, chap. 78.

is unable to discharge his debts (which are daily encreasing) without the sale of Lands. That he has several parcels of out Lands, under no improvement, and at a distance from his Homestead and praying that he may be impowered to make sale thereof to enable him to discharge his said debts, and for his future use and benefit.

[Read and]

*Resolved*, that the prayer of the petitioner be Granted, & that the said John Ephraim be & hereby is Impowered (with the advise & under the Direction of the Guardians) to Sell all his out Lands. & to Give Good & Sufficient Deed or Deeds in Law: the money arising by Such Sale to be applied by said Guardians to y<sup>e</sup> Immediate payment of the petitioners Debts: & the overplus if any therebe to be put at Interest on Good Security by s<sup>d</sup> Guardians for y<sup>e</sup> benefit of y<sup>e</sup> petitioner & famaly. [*Passed April 22.*]

## CHAPTER 132.

RESOLVE IMPOWERING SARAH & DEB. COMECHO, INDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxix., 185. Mass. Archives, xxxiii., 556.

Mass. Archives, xxxiii., 555. House Journal, pp. 61, 92, 165, 170. *Ante*, p. 572, chap. 78.

A PETITION of Sarah Comecho and Deborah Comecho of Natick Indian Widows Setting forth That they are indebted to sundry Persons in small Sums and their labour is greatly abated by Rheumatick disorders, and that they stand in need of some present relief That they have two fourths of twenty five acres of broken and improved Land in several parcels in said Natick. And praying that they may be impowered to make sale thereof; the money arising thereby to be applied to the discharge of their debts and towards their future support.

[Read and]

*Resolved* that the prayer of the Petitioners be Granted & that the S<sup>d</sup> Sarah & Deborah be & are hereby impower'd with the advice & under the Directions of the Guardians, to Sell their Shares of the lands in the Petition mentiond, & to Give Good & Sufficient Deed or Deeds in law: the money arising by Such Sale to be applied by S<sup>d</sup> Guardians to the Immediate payment of the Petitioners Debts & the Over plus if any there be to be put at Interest on Good Security by S<sup>d</sup> Guardians for the benefit of the Petitioners. [*Passed April 22.*]

## CHAPTER 133.

RESOLVE GRANTING 399 ACRES OF LAND TO THE PROPRIETORS OF COLRAIN.

Legislative Records of the Council, xxix., 185.

House Journal, pp. 170, 171. *Ante*, p. 44, chap. 54.

A PETITION of Isaac Winslow jun<sup>r</sup> and others a Committee of the Proprietors of the undivided Land in the Town of Colrain Setting forth That in June 1765 the General Court made a Grant to the said Proprietors of one hundred and forty five acres of Land in lieu of so much they prayed a consideration for, lost by runing the line between this Government and Newhampshire, on condition that a plan of said Land was returned into the Secretarys office in twelve months from the Grant; That this by accident was not complied

with, and that since on a Survey of the Land lost to the Proprietors, it appears, it contained two hundred and five acres That the Gore of Land belonging to the Province adjoining the said Town and from which the Grant to the Proprietors was made, lays wild and unimproved and can be of little service to any other settlement. And praying that they may be admitted to purchase the said Gore of Land; consideration being had to their loss abovementioned.

[Read and]

*Resolved* that there be and hereby is granted to the Proprietors of the Township of Colrain a Gore of Province Land containing three hundred ninety and nine acres lying adjoining to Colrain, bounded as follows viz' northerly on the Line between this Province and Newhampshire, Westerly on Land granted to the Heirs of Thomas Park deceased, Southerly on the north line of Colrain; Two hundred and ten acres of which is in lieu of and in full satisfaction for the same quantity of acres which the said Proprietors lost by the runing the line between this Province and Newhampshire and for the remaining one hundred eighty and nine acres the said Proprietors to give Bond to the Province Treasurer for the Sum of thirty seven pounds, sixteen shillings to be paid in one year with Interest for the same; provided nevertheless that the said Proprietors shall allow the person that has made improvement on said Land full satisfaction for his labour, or liberty to purchase fifty acres of said Land adjoining to his improvement at the same rate as the said Proprietors purchased. [*Passed April 22.*]

## CHAPTER 134.

### RESOLVE ALLOWING £100 TO THE TREASURER.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province acknowledging with gratitude the Grant made him for his common services the year past and praying an allowance for his extraordinary services the same time.

[Read and]

*Resolved* that there be allowed and paid out of the Province Treasury to the Hon<sup>ble</sup> Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General for this Province the Sum of One hundred pounds in full for his extraordinary Services for the year 1771. [*Passed April 23.*]

Legislative  
Records of the  
Council, xxix.,  
197.

House Jour-  
nal, pp. 166, 174.  
*Ante*, p. 578,  
chap. 90.

## CHAPTER 135.

### RESOLVE GRANTING TO SAMUEL PIERCE CERTAIN LAND.

A PETITION of Samuel Pierce living near Hoosuck mountain Setting forth That there is a Tract of Land belonging to the Province near the said mountain appraised by the Committee for that purpose appointed at four pence p<sup>r</sup> acre, which he is desirous of purchasing. And praying that he may be allowed to purchase the said Tract of Land, and that in consideration of his Services in making and repairing a Road up the said mountain, an abatement may be

Legislative  
Records of the  
Council, xxix.,  
199.

House Jour-  
nal, pp. 193, 162,  
173. Province  
Laws, xvii.  
539, chap. 71.

made him in the price thereof, or that he may be otherwise recompenced for his Services.

[Read and]

*Resolved*, that all the right, title and Interest of this Province in and to a certain piece of Land lying between Charlemont and Deerfield River, bounded East on Charlemont West line, north and West on ten thousand acres granted to Cornelius Jones and on a Brook called Pelham or Jones's Mill Brook and Deerfield River; South on said River and Samuel Pierces Land; he the said Samuel Pierce returning a Plan thereof taken by a Surveyor and Chainmen under Oath at the next Sessions of the General Court for confirmation, and at the same time giving security to pay to the Province Treasurer what the same may amount to at four pence *p* acre, and also that there be granted to the said Samuel Pierce fifty acres of Land lying under Hoosuck Mountain on the West side of Deerfield River, as it hath been Surveyed by him, in consideration of his Services in making and repairing a Road up Hoosuck mountain, and to enable and encourage him to further repair said Road; and that he return a plan thereof taken and returned as aforesaid for confirmation. [*Passed April 23.*]

## CHAPTER 136.

RESOLVE ALLOWING £20 TO THE TOWN OF PROVINCETOWN AND A FURTHER SUM OF £25 UNDER CONDITIONS.

Legislative  
Records of the  
Council, xxix.,  
203. Mass.  
Archives, xiv.,  
639.

Mass.  
Archives, xiv.,  
637. House  
Journal,  
pp. 146, 176.  
*Ante*, p. 488,  
chap. 48.

ON THE PETITION of Stephen Atwood agent for and in behalf of the Town of Province Town on Cape Cod [for a grant]

*Resolved* that the Usual Sum of twenty pounds be allowed & paid out of the publick Treasury for the Use of the Inhabitants of S<sup>d</sup> Town to enable them to hire preaching; & further

*Resolved* that provided Said Inhabitants Shall Settle a protestant minister in S<sup>d</sup> Town & have him ordained over a church in that place within one year from this time that there be allowed & paid out of the publick Treasury a further Sum of twenty five pounds as an encouragement towards Settling the Same, the afores<sup>d</sup> Grants to be paid into the hands of y<sup>e</sup> Rev<sup>d</sup> Mr Caleb Upham of Truro. for the use of the S<sup>d</sup> Inhabitants. [*Passed April 23.*]

## CHAPTER 137.

RESOLVE CONFIRMING A GRANT OF A TOWNSHIP TO JAMES OTIS, ESQ., AND MR. NATHANIEL GORHAM & OTHERS.

Legislative  
Records of the  
Council, xxix.,  
203. Mass.  
Archives,  
cxviii., 608.

House Jour-  
nal, pp. 46, 50,  
51, 176, 177.  
*Ante*, p. 542,  
chap. 22.

A PLAN of a Township, laid out in pursuance of a Grant made in June last to James Otis Esq<sup>r</sup> and others, was presented for allowance; whereupon the following order passed viz<sup>t</sup>

*Resolved* that the Plan of the Township hereunto Annexed, Containing the Contents of Seven miles Square, (Exclusive of the Allowance of One thousand & Eighty Acres, for Swag of Chain being one thirtieth part, also an Allowance of three thousand & Sixty Acres, for Ponds in said Township) bounded as followeth beginning at the

Northwest Corner of Raymond's Town, and the line running North-east partly on Raymond's Town & partly on Province land, two thousand nine hundred & thirteen rods to a Corner, thence running North 25 Deg<sup>s</sup> West, two thousand five hundred & twenty rods to a Corner, thence South 65 Deg<sup>s</sup> West One hundred & Ninty five rods, thence North 25 Deg. west five hundred & forty rods thence South 65 Deg. West One thousand two hundred & Ninty Six rods to Bridge's Town line, thence South 25 Degrees East, three thousand One hundred & Sixty nine rods, thence South 65 Deg. West One thousand four hundred & Eighty rods, thence South 40 Deg<sup>s</sup> East nine hundred & thirty rods to the bound mark first mentioned, Granted in June A.D. 1771 to the Hon<sup>r</sup> James Otis Esq<sup>r</sup> and M<sup>r</sup> Nathaniel Gorham in behalf of themselves & others mentioned in their Petition, be Accepted and hereby is Confirmed to them their heirs and assigns for ever, in lieu of and in full Satisfaction for the loss of lands mentioned in their petition, by running the line between this Province & the Province of New Hampshire; they Complying with the following Conditions Viz the Grantees within Six years Settle thirty Families in the said Town, build a meeting house and Settle a learned Protestant Minister and lay out one Sixty fourth part of said Township for the first Settled Minister, one Sixty fourth part for the use of the Ministry, and one Sixty fourth part for a Grammar School, and one other Sixty fourth part for the use of Harvard College forever provided it doth not exceed the Quantity aforementioned nor interfere with any former Grant. [*Passed April 23.*]

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## CHAPTER 138.

### RESOLVE IMPOWERING THE PROPRIETORS OF DISTRICT OF MASHPEE TO GRANT LAND TO LEMUEL HOWLAND.

A PETITION of the Proprietors of the District of Mashpee in the County of Barnstable Setting forth That a few years ago, at their request, one Lemuel Howland a good Carpenter, plowmaker and Wheelwright came and built an House and settled upon a small Gore of their Land lying at the northerly corner of the said District at a place called Wakepee and bounded north 24 degrees West by Sandwich five mile line, so called, and Westerly on the Cart way that leads from the late dwelling house of Ezra Bourn Esq<sup>r</sup> deceased to Sandwich, containing about ten acres That the said Lemuel has taken great pains in clearing the said Land and been at great expence in erecting buildings thereon, and has been of service to them in the business of his Trade aforementioned. And, as they are loth to part with him, Praying that they may be impowered to grant him the the<sup>1</sup> said Gore of Land.

[Read and]

*Resolved* that the Petitioners have power and hereby are enabled (at a meeting of said propriety to be called for that purpose) to make a Grant of the Gore of Land, mentioned in said Petition, to the said Lemuel Howland his Heirs and assigns; which Grant when so made, shall be good and sufficient in Law to secure and confirm the said Gore with the Buildings and appurtenances thereunto belonging to the said Lemuel Howland, his Heirs and assigns forever hereafter. [*Passed April 24.*]

Legislative  
Records of the  
Council, xxix.,  
206.

House Jour-  
nal, pp. 168, 177.

<sup>1</sup> Sic.



## CHAPTER 139.

## RESOLVE ALLOWING £100 TO THE SECRETARY.

Legislative  
Records of the  
Council, xxix.,  
207.

Legislative  
Records of the  
Council, xxv.,  
422. House  
Journal, p. 294  
(March, 1765);  
pp. 165, 176, 179.

A PETITION of Thomas Flucker Esq<sup>r</sup> Secretary of the Province Setting forth That until March 1765 it had been usual for the General Court to make an annual Grant to the Deputy Secretary for his services, but that a Resolve was then passed by the House of Representatives that all Grants for the support of said office should for the future be made to the Secretary himself That in consequence of this Resolve the General Court have from year to year made a Grant to the late Secretary for this purpose; and in confidence of such allowance the Petitioners Deputy undertook the business the last year which expired on the 6 day of Decem<sup>r</sup> last, and in like confidence the Petitioner hath already advanced him a Sum of money in part for his service. And praying an allowance for the purpose aforesaid.

[Read and]

*Resolved* that the Sum of One hundred pounds be allowed and paid out of the public Treasury to the hon<sup>ble</sup> Thomas Flucker Esq<sup>r</sup> Secretary of this Province to enable him to pay for assistance during one year ending the sixth day of December last. [*Passed April 24.*]

## CHAPTER 140.

RESOLVE ALLOWING £10 TO BENJ<sup>A</sup> DAVIS.

Legislative  
Records of the  
Council, xxix.,  
207.

House Jour-  
nal, pp. 168, 181.  
*Ante*, p. 300,  
chap. 162.

A PETITION of Benjamin Davis Setting forth That in the year 1767 with great trouble and expence he found out and informed the General Court of a Tract of Province Land lying between Dudley & Douglass which was afterwards sold by order of the Court to the persons in possession of the same for a considerable sum of money and, as it is probable the Province would never have reaped any benefit by the said Land had it not been for the exertion of the Petitioner, Praying an allowance for his Service and expences.

[Read and]

*Resolved* that there be allowed and paid out of the public Treasury to the Petitioner the Sum of Ten pounds in full consideration of the services in the Petition mentioned. [*Passed April 24.*]

## CHAPTER 141.

## RESOLVE ANNEXING STEPHEN JOHNSON AND HIS ESTATE TO THE NORTH PARISH IN ANDOVER.

Legislative  
Records of the  
Council, xxix.,  
208.

Legislative  
Records of the  
Council,  
xxviii., 101.

THE COMMITTEE, this day, appointed on the Petition of Stephen Johnson, [to be annexed to Andover] made Report; where upon the following order passed viz<sup>t</sup>

*Resolved* that the Petition of Stephen Johnson be granted and that the said Stephen Johnson his twenty acres of Land where he



now dwells lying and being in the Town of Andover, be and hereby is annexed unto and made a part of the north Parish in Andover where the said Stephen Johnson shall for the future be held to pay Parish Taxes and to do other duty and shall there have a right to enjoy Parish privileges and no where else. [*Passed April 24.*]

House Journal, pp. 129, 131, 185.

## CHAPTER 142.

### RESOLVE REFERRING WITH STAY OF ALL PROCEEDINGS THE PETITION OF PROPRIETORS OF TOWNSEND IN REGARD TO DISPUTES ABOUT TRANSFERS.

THE COMMITTEE to whom was referred the Petition of James Prescott Esq<sup>r</sup> and others a Committee of the Proprietors of the Lands in Townsend have met and considered the same and beg leave to report that the General Court did in 1719 appoint and empower the late Governor Taylor, Col<sup>o</sup> Thaxter, Col<sup>o</sup> Fullam and others a Committee to grant, allot and lay out a Township then called North Town, now Townsend, and gave said Committee power to admit Settlers &c and a power to bring forward a settlement of said Town then a frontier; which Committee, among other things, made divers Transfers, by consent of parties, from the first Grantees to others, as appears by the Records kept by said Fullam who was Clerk to the General Courts said Committee, and that some difficulties have begun to arise as to said Transfers as some of the proceedings of the said Committee were destroyed by the late burning of the Town House in Boston and otherways: the Committee are of the opinion that the aid of this Court is wanting to quiet the present possessors in their possessions, and that all Persons who dispute said Transfers and other proceedings of the aforementioned Committee be notified of this Petition by the Petitioners inserting the substance of the same in two of the Boston news papers for three Weeks successively viz<sup>t</sup> in Drapers and Edes and Gills papers that so any persons concerned may shew cause why the prayer of said Petition may not be granted, and in the mean time the further consideration of this Petition be referred to the third Tuesday of the next May Session, and all proceedings in the Law relative to said propriety be staid until the further order of this Court

Legislative Records of the Council, xxix., 208.

Legislative Records of the Council, xxix., 163, 203, House Journal, pp. 146, 177, 179, 181. Province Laws, v., 264, notes; ix., 696, chap. 113.

W<sup>m</sup> BRATTLE p<sup>r</sup> order

Read and accepted and

*Resolved* that all Persons who dispute said Transfers and other proceedings of the aforementioned Committee be notified of this Petition by the Petitioners inserting the substance of the same in two of the Boston news papers for three Weeks successively viz<sup>t</sup> in Drapers and Edes and Gills papers, that so any persons concerned may shew cause why the prayer of said Petition may not be granted and in the mean while the further consideration of this Petition be referred to the third Tuesday of the next May Sessions and all proceedings in the Law relative to said Propriety be staid, until the further order of this Court. [*Passed April 24.*]

## CHAPTER 143.

RESOLVE IMPOWERING JOHN FRENCH, JR., AND BETTY FRENCH, ADM<sup>RS</sup>,  
TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE  
PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
269.

House Jour-  
nal, pp. 125, 174,  
180.

A PETITION of John French jun<sup>r</sup> and Betty French administra-  
tors of the Estate of David French late of Tewksbury deceased Set-  
ting forth That the said David being in a languishing condition  
for some time before his death, and considering that his place was  
new and that he had but one Child, of six months old, and that he  
owed considerable monies, bargained with his Brother Reuben French  
to convey to him his Homestead of about fifty acres of Land with  
the Buildings thereon, eleven acres of pine Land and seven acres  
of meadow, all lying in Tewksbury aforesaid, for one hundred and  
eighty six pounds, thirteen shillings and four pence, but that the  
said David died before the Writings were compleated That it ap-  
pears that the debts due from the said deceaseds Estate amount to  
the Sum of £88.7.2 and, as the said David thought it would be  
for the interest of his Wife and Child that his Real Estate should  
be sold, Praying that they may be impowered to compleat the afore-  
said bargain with the said Reuben French and execute a Deed of  
the premises to him accordingly.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Peti-  
tioners be and they accordingly are hereby fully impowered to make  
and execute a good and sufficient Deed of the Real Estate in their Peti-  
tion mentioned to the said Reuben French, to hold the same to him  
and his Heirs and assigns, he paying them the Sum of one hundred  
and eighty six pounds thirteen shillings and four pence (it appear-  
ing to be the value thereof) and that the said Betty the Widow, be  
allowed the Interest of one third part thereof during her natural  
life in lieu of dower, provided always that the Petitioners give Bond  
with sufficient sureties to the Judge of Probate for the County of  
Middlesex that the Debts of the deceased David French shall be all  
paid and discharged, and that the remaining part of the proceeds  
of the said sale shall be put to Interest for the benefit of the Heir,  
and that the principal and Interest aforesaid shall be paid to him  
when he shall be of full age or to his legal Representatives in case  
of his decease, and that he or they shall have his mothers third im-  
mediately after her decease. [*Passed April 24.*]

## CHAPTER 144.

RESOLVE IMPOWERING SARAH PARSONS, GUARDIAN, TO SELL REAL  
ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
210.

House Jour-  
nal, pp. 159, 160,  
180. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Sarah Parsons Widow of Zebulon Parsons late of  
Glocester deceased and Guardian of Abigail, Sarah and Hannah, all  
minors under twelve years of age, Children of the deceased Setting  
forth That the said minors, as Heirs of the said deceased, are in-  
titled to the one half of an old House which is very much out of  
repair; and that unless it is soon repaired 'tis judged it will fall  
down and be intirely lost That the Rents she has received are not

near sufficient to repair the said House. And praying that she may be impowered to make sale of the said half House and so much Land adjoining as may be needful to accommodate the same, for the benefit of the said Heirs.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner be and she accordingly is hereby fully impowered to make sale of that part of the old House and so much of the Land in her Petition mentioned not exceeding twenty square rods, as will be accomodable for the same without injury to the remainder, under the advice and direction of the Judge of Probate for the County of Essex, for the most the same will fetch, and make and execute a good and sufficient Deed thereof; provided she shall give sufficient security to the said Judge of Probate that the proceeds of such sale shall be put to Interest for the benefit of the legal Heirs, and that she govern herself in such sale by the rules of the Law relative to the sale of Real Estates by Executors and administrators, provided also that if there be any debts of her deceased Husband unpaid that they be first paid out of the proceeds of such sale. [*Passed April 24.*]

## CHAPTER 145.

### RESOLVE CONFIRMING A PLAN OF 300 ACRES OF LAND TO JOSHUA LOCKE.

A PLAN of a Tract of Land laid out by Samuel Taylor Surveyor and Chainmen under Oath, on Hoosuck mountain, to satisfy a Grant made by this Court the 26 day of April 1771 to Joshua Locke of three hundred acres of Land was presented for allowance; bounded as follows viz<sup>t</sup> beginning at a Beach tree which is the n E corner, and is on the n E part of the mountain, between the old Road and new one, runing from said corner W 2° S 480 rods to a Beach tree, then S 10° W 100 rods to another beach, then E 2° N 480 rods to a Beach tree, then N 10° E 100 rods to the first mentioned bounds.

Read and

*Resolved* that this Plan be accepted and that the Lands therein described be and they hereby are confirmed to the said Joshua Locke his Heirs and assigns forever, he fulfilling the terms and conditions upon which the Grant of said Land was made to him on the 26 day of April last, provided it doth not exceed the number of three hundred acres, nor interfere with any former Grant. [*Passed April 24.*]

Legislative  
Records of the  
Council, xxix.,  
211.

Maps and  
Plans, Mss.,  
xx., 23. House  
Journal,  
pp. 174, 179.  
*Ante*, p. 513,  
chap. 114.

## CHAPTER 146.

### ORDER DIRECTING THE TREASURER TO CALL IN ALL MONIES DUE FROM CONSTABLES AND COLLECTORS AND SHERIFFS.

*Ordered* That the Treasurer be and hereby is directed to Call in all the monies due from the Constables or Collectors for Taxes to y<sup>e</sup> year 1771 as also what may be due upon Bond & that he give Public Notice that he shall Issue his Executions & put their Bond

Legislative  
Records of the  
Council, xxix.,  
211. Mass.  
Archives, civ.,  
607.

House Jour-  
nal, pp. 179, 180.

in suit in three months from the first of May next unless they are Discharged & that he also call upon all the Sheriffs to whom he has Committed Executions against defective constables or Collectors to pay in what moneys they have received immediately. [*Passed April 24.*]

## CHAPTER 147.

### RESOLVE ALLOWING £10. 10 TO JOSEPH WHITTON.

Legislative  
Records of the  
Council, xxix.,  
212. Mass.  
Archives,  
lxxx., 698.

Mass.  
Archives,  
lxxx., 697.  
House Jour-  
nal, pp. 169, 178.

A PETITION of Joseph Whitton of Newbury Setting forth That in the year 1757 he was a Soldier in the service of the Government in Col<sup>o</sup> Frye's Regiment and in the Company of Cap<sup>t</sup> Davis, and that his Wages, amounting to the Sum of £10.10.3, was drawn out of the Treasury by virtue of a forged Order in his name. That he is now in low and decrepit circumstances occasioned by his service for his King and Country. And praying relief.

[Read and]

*Resolved* that there be paid out of the publick Tresnery Ten pounds Ten Shillings to Joseph Gerish Esq<sup>r</sup> to be by him according to his best discretion Improved for the use of Joseph Whitton to be for his Service as a Soldyer as Sete forth in his Portition the Same being heare to fore Drown out of the Tresnery by a false or Counterfite order Subscribed by the name of Joseph Whitton. [*Passed April 24.*]

## CHAPTER 148.

### RESOLVE ALLOWING 20/ TO JOHN SIMON, INDIAN.

Legislative  
Records of the  
Council, xxix.,  
213.

House Jour-  
nal, pp. 162, 185.  
Province  
Laws, xlv., 701,  
chap. 174.

A PETITION of John Simon of Rochester Indian Man Setting forth That he was a Soldier the last War, and in the Kings Service, six several years, in which service he had the misfortune to lose one of his Legs, and also underwent great fatigues and hardships That he is now near eighty years old and almost incapable of doing anything for a livelihood. And praying some relief in addition to the yearly Pension of two pounds formerly granted to him.

[Read and]

*Resolved* that the Petitioner have twenty shillings allowed him out of the Province Treasury at the time and in addition to the forty shillings Pension already granted him by the Province; to be paid yearly and laid out under the direction of the overseers of the poor of such Town where the said John shall then reside, for his use during his natural life, or until the General Court shall otherwise order. [*Passed April 24.*]

## CHAPTER 149.

## RESOLVE CONFIRMING A PLAN OF 3,960 ACRES OF EQUIVALENT LAND TO GROTON PROPRIETORS.

A PLAN of three thousand nine hundred and sixty acres of Land laid out in part to satisfy a Grant of seven thousand eight hundred acres of Land made to the Proprietors of Groton in June last, was presented for allowance; whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the Plan hereunto annexed containing three thousand nine hundred and sixty acres of Province Land laid out in part to satisfy a Grant made by the Great and General Court at their Sessions in June 1771 to the proprietors of Groton in lieu of Land they lost by the late runing of the Newhampshire line as mentioned in their Petition, laid out in the County of Berkshire and is bounded as followeth viz<sup>t</sup> begining at a Birch tree and stones laid round it the Southwest corner of Tyringham equivalent Lands standing on the East bank of Farmington River, then north 18 deg<sup>s</sup> East in the West line of said equivalent 561 rods to a small Beach tree and stones laid round it, which tree is the Southeast corner of a Grant of Land called Woolcuts Grant, then runing West 18 deg<sup>s</sup> north in the South line of said Grant 240 rods to a Beach tree marked **I W** and stones laid round it which is the Southwest corner of said Grant, then runing north 18 deg<sup>s</sup> East in the West line of said Grant 400 rods to a heap of Stones which is the northwest corner of said Grant, then runing East 18 deg<sup>s</sup> South 240 rods in the north line of said Grant to a large Hemlock tree and stones laid round it which is the northeast corner of said Grant, it is also the northwest corner of said equivalent and the Southwest corner of a Grant called Taylors Grant, then runing north 18 deg<sup>s</sup> East 160 rods in the West line of said Taylors Grant to the north west corner of the same, then runing East 9 deg<sup>s</sup> South in the line of said Taylors Grant 800 rods to a stake and stones standing in the West line of Blanford marked **W T**, then runing north 18 deg<sup>s</sup> East in said Blanford West line 530 rods to a Beach tree and stones laid round it which is the Northwest corner of said Blanford, then runing East 10 deg<sup>s</sup> South 42 rods in the north line of said Blanford to a Stake and Stones which is the Southwest corner of Murrayfield then runing north 10 deg<sup>s</sup> East in said Murrayfield West line 303 rods to a heap of Stones the Southeast corner of Becket, then running West 2 deg<sup>s</sup> South in said Becket South line 426 rods to the northeast corner of a Grant of Land called Belchers Grant, then runing South in the East line of said Belchers Grant 216 rods to a small maple tree marked **T R** which is the northwest corner of a Grant of Land called Rands Grant, then runing East in the north line of said Rands Grant 250 rods to a hemlock pole and stones laid round it which is the northeast corner of said Rands Grant, then runing South in the East line of said Rands Grant 331 rods to a hemlock tree marked and stones laid round it which is the Southeast corner of said Rands Grant, then runing West in the South line of said Rands Grant 250 rods to a Beach pole marked **T R** the Southwest corner of said Rands Grant then runing north in the West line of said Rands Grant 83 rods to the Southeast corner of said Belchers Grant, then runing West bounding north 348 rods on said Belchers Grant and 453 rods on a Grant called Chandlers Grant then runing north in the West

Legislative  
Records of the  
Council, xxix.  
214.

Maps and  
Plans, Mis.,  
xiv., 9. House  
Journal,  
pp. 146, 182, 183.  
*Ante*, p. 552,  
chap. 39.



line of said Chandlers Grant 460 rods to said Becket South line, then running West in said Becket South line 20 rods to a stake and stones the northwest corner of additional Lands belonging to the four Housatonnock Townships, then running South 2 deg<sup>s</sup> West 1,488 rods in the East line of said additional Lands to the place where said East line crosses said Farmington River, then Southerly or down stream 330 rods to the first bounds, bounding Westerly on said River, be accepted and it is hereby accepted and confirmed unto the Proprietors of Groton aforesaid their Heirs and assigns forever, provided the same doth not exceed the quantity aforementioned nor interfere with any former grant. [*Passed April 24.*]

## CHAPTER 150.

### RESOLVE ALLOWING £22. 9. 2 TO THE HEIRS OF THE LATE EDWARD SHEAFFE, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xxix.,  
215.

Legislative  
Records of the  
Council,  
xxviii., 473,  
476. House  
Journal, p. 27  
(1768); pp. 144,  
176, 182. Prov-  
ince Laws,  
iv., 919, chap.  
19. *Ante*,  
p. 456, chap.  
173; p. 506,  
chap. 91.

A PETITION of Nathaniel Gorham and Thomas Danforth Executors of the Will of the late Edward Sheaffe Esq<sup>r</sup> Setting forth That the said Edward was by order of the General Court employed, with two other Gentlemen, in examining the accounts of the late Land Band Company; and in the year 1768 he acted as Clerk to the Committee of the House of Representatives who were appointed to settle a new Valuation of the Estates of the Province, for all which he never received any compensation: That M<sup>r</sup> Sheaffe was Commissary General for the Province from the 16 April 1770 to the 16 April 1771 at which time another Gentleman was by the two Houses of assembly chose in his room, but not being approved of by the Governor, M<sup>r</sup> Sheaffe continued to act in the office until the 25 day of May last, but received pay no longer than the said 16 April 1771. And praying an allowance for their Testators Services aforementioned.

[Read and]

*Resolved* that there be allowed and paid out of the Province Treasury to said Executors the sum of twenty two pounds nine shillings & two pence for the use of the Heirs of the said deceased in full for the services mentioned in said Petition. [*Passed April 24.*]

## CHAPTER 151.

### RESOLVE IMPOWERING JOSEPH MAYO AND HANNAH WILLIAMS, ADMINISTRATORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
185.

House Jour-  
nal, pp. 143, 155,  
188. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joseph Mayo and Hannah Williams administrators of the Estate of Thomas Dudley late of Roxbury Esq<sup>r</sup> deceased Intestate Setting forth That the said deceaseds Personal Estate falls short of paying his just debts by the Sum of £485 lawful money, exclusive of the charge of administration and praying that they may be empowered to make sale of the following, being part of the Real Estate of the deceased, to enable them to pay the said Debts and charges viz<sup>t</sup> four ninths of four hundred acres of Land in Killingley in the Colony of Connecticut; four ninths of one hundred and



fifty acres in Athol in the County of Worcester, lying in common and undivided; also the late mansion House of the said deceased and about thirty acres of Land adjoining thereto lying on both sides the Road leading to Dedham, which House is very much out of repair; and four ninths of one hundred and twenty five acres of Land lying, in common, in Dudley.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioners be and they accordingly are hereby fully empowered to make sale of all the Real Estate in their Petition mentioned lying in this Province for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, they observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale shall be applied first for the payment of the just debts of the deceased, and the overplus, if any there be, shall be put to Interest for the benefit of the lawful Heirs and shall be paid them respectively when they shall arrive at full age in such proportions as they could by Law inherit in case the said Real Estate had not been sold. [*Passed April 25.*<sup>1</sup>

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## CHAPTER 152.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

THE ACCOUNT of Samuel Denny Esq<sup>r</sup> Treasurer of the County of Lincoln being laid before the Court for allowance, the following Order passed thereon.

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed April 25.*

Legislative  
Records of the  
Council, xxix.,  
217.

House Jour-  
nal, pp. 12, 178,  
184.

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## CHAPTER 153.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

THE ACCOUNT of Daniel Moulton Esq<sup>r</sup> Treasurer of the County of York being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1770 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* said accounts be allowed. [*Passed April 25.*

Legislative  
Records of the  
Council, xxix.,  
218.

House Jour-  
nal, pp. 12, 124,  
178.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is April 21.

## CHAPTER 154.

RESOLVE THAT THE EXECUTORS OF THE LATE COMMISSARY GENERAL EDWARD SHEAFFE, ESQ<sup>r</sup>, ARE ACCOUNTABLE TO THE PROVINCE FOR £22. 9. 2.

Legislative  
Records of the  
Council, xxix.,  
218. Mass.  
Archives,  
cxx., 689.

Mass.  
Archives,  
cxxx., 681-688.  
House Jour-  
nal, pp. 20, 138,  
143. *Supra*,  
chap. 150.

THE COMMITTEE on the late Commissary Sheaffe's accounts have attended that service and find that his accounts of Provisions and Peltry are fully balanced. We likewise find his general account with the Province for disbursements &c are right cast and well vouched, and that there is a balance due from the Estate of the late Commissary Sheaffe to the Province the Sum of twenty two pounds nine shillings and two pence.

RICHARD DARBY jun<sup>r</sup> p Order.

Read and

*Resolved* that this Accompt be allowed & that the Executors of the Will of Edward Sheaffe Esq<sup>r</sup> Late Commissary General be and hereby are Accountable to this Province for the Ballance being Twenty Two pounds nine shillings and Two pence. [*Passed April 25.*]

## CHAPTER 155.

RESOLVE ACCEPTING REPORT OF COMMITTEE APPOINTED TO SELL Y<sup>e</sup> FARM AT WALTHAM.

Legislative  
Records of the  
Council, xxix.,  
219.

House Jour-  
nal, pp. 53, 54,  
186. *Ante*,  
p. 546, chap. 31.

THE COMMITTEE appointed the 18 day of June last to make sale of a Farm in Waltham taken by the Treasurer, in behalf of the Province, from Jonas Cutler by Execution; made the following report viz<sup>t</sup>

The Committee appointed by the annexed Order [*ante*, p. 546, chap. 31] to make sale of the Farm at Waltham have attended that service and disposed of the same to M<sup>r</sup> Elisha Cutler for five hundred and sixty nine pounds, and have taken security for the payment of the same to the hon<sup>ble</sup> Harrison Gray Esq<sup>r</sup> Treasurer of the Province agreeable to the Order of the General Court. Which is submitted

JAMES RUSSELL p Order.

Read and accepted. [*Passed April 25.*]

## CHAPTER 156.

RESOLVE CONSTRUING A RESOLVE IN REGARD TO TAXES IN DIGHTON.

Legislative  
Records of the  
Council, xxix.,  
221.

House Jour-  
nal, pp. 81, 83,  
91, 179. *Ante*,  
p. 565, chap. 65.

WHEREAS upon the report of a Committee on the Petition of Sylvester Richmond Esq<sup>r</sup> and others and the Petition of Ezra Richmond Esq<sup>r</sup> and others made the 24 day of June last it was, among other things, Resolved as follows viz<sup>t</sup> "That such and so many of the said Petitioners who by themselves or such as represent them shall, in writing under their hands signify their desire of being exempted from paying any further or other Taxes, excepting as excepted in said Report towards said meeting house built by the Town or to the minister or ministry there, or towards the settlement of one and shall on or before the last day of October next (and such of them as shall be absent shall be allowed one month after their return)

lodge the same in the Secretaries office, be and such of the said Petitioners hereby are exempted from future Taxes accordingly; provided nevertheless and it is hereby further

*Resolved* that no distraint shall be made within six months from the first of July next for what remains due on the Taxes for building the Towns meeting house or the Twenty pounds voted by the Town for the support of Preaching." And whereas it has been represented to this Court that the Petitioners have refused to pay the said Taxes, alledging (as the said Resolve did not finally pass the several branches until the first day of July last) that the said Town have not power to distraint upon them for the said Taxes within six months from the first day of July next; and as it would probably occasion suits at Law, the said Town of Dighton have thought it advisable to make no distraint until an explanation of the said Order should be made.

*Resolved* That it was the true intent and meaning of the said Resolve that no Distraint should be made for the Taxes aforesaid within six months from the first day of July 1771 and not from the first day of July next and that the same shall be so understood. [*Passed April 25.*]

## CHAPTER 157.

### RESOLVE SETTING OFF CERTAIN PERSONS WITH THEIR ESTATES FROM THE DISTRICT OF LENOX TO THE TOWN OF RICHMONT.

A PETITION of Samuel Brown jun<sup>r</sup> in behalf of Simeon Tracy, Enos Tracy, Vine Branch Amasa Branch and Flavius Waterman, Inhabitants of the District of Lenox in the County of Berkshire Setting forth That they are so situated that they cannot ever enjoy privileges, without great inconvenience, in the said District, and that the said District hath consented to their being set off to the Town of Richmond; and the said Town hath voted to receive them. And praying that they may be set off from the District of Lenox and annexed to the Town of Richmond accordingly.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that Simeon Tracy, Enos Tracy, Vine Branch, Amasa Branch and Flavius Waterman all of Lenox in the County of Berkshire together with their Lands and other Estates be and hereby are set off from the District of Lenox aforesaid and annexed to the Town of Richmond in said County, there to do duty and receive privileges in common with the Inhabitants of the Town of Richmond aforesaid; provided always that they remain subjected to the payment of all Proprietary Taxes that have been or may be raised in said District in the same way and manner as they heretofore have been liable to in the said District of Lenox. [*Passed April 25.*]

Legislative  
Records of the  
Council, xxix.,  
222.

House Jour-  
nal, pp. 160, 188,  
189.

## CHAPTER 158.

### RESOLVE ALLOWING £4 TO THE CLERK OF THE HOUSE.

*Resolved* that there be allowed & paid out of the Public Treasury the sum of Four pounds to John Pickering for his services as clerk to y<sup>e</sup> House of Representatives during the Absence of M<sup>r</sup> Adams. [*Passed April 25.*]

Legislative  
Records of the  
Council, xxix.,  
223. Mass.  
Archives, 1.,  
433.

House Jour-  
nal, p. 188.

## CHAPTER 159.

## RESOLVE CONFIRMING A TRACT OF LAND TO JAMES SAXTON.

Legislative  
Records of the  
Council, xxix.,  
223. Maps and  
Plans, Mis.,  
xiv., 17.

House Jour-  
nal, pp. 155, 156,  
163, 184, 187.

A PETITION of James Saxton living on Province Land lying West of Sheffield in the County of Berkshire Setting forth That he has for near thirty years past been siezed and possessed of part of the Tract of Land hereinafter delineated and described and has expended much labour and trouble in improving and subduing the same, and has been always willing but, hitherto, he has not been able to procure a Title to the premises from the Government. And, as he is informed that the Government have come into a Resolution to dispose of their Right and title to the Province Lands in the Western parts, Praying that the said Tract of Land may be granted and confirmed to him upon such terms as shall be judged reasonable.

The following is the Survey of the Land referred to in the foregoing Petition viz<sup>t</sup>

Laid out to James Saxton 274 acres and 49 rods of ground lying on the Province Land West of Sheffield bounded as followeth, the first bounds is a Walnut staddle marked standing under or near the black Rock, thence East 12° north 190 Rods to an Oak staddle standing in the highway, thence north 12° West 90 rods to Sextons Sine post, thence north 12° East 112 rods to a Stake and stones, thence West 19° South 180 rods to a stake and stones, thence north 26° West 36 rods to a stake and Stones, then north 35° West 50 rods, then West nine degrees north 68 rods, thence South 30° degrees East 235 rods to the first bounds.

EPHRAIM FITCH Surveyor  
PHIN<sup>s</sup> NASH } Chainmen  
ROB<sup>t</sup> WARN }

Novem<sup>r</sup> 11. 1771

[Read and]

*Resolved* that all the Right Title & Interest of this Province in & to the tract of Land Mentioned therein be & hereby is Granted and Confirmed unto him the s<sup>d</sup> James his Heirs & assigns forever provided he give his Obligation with one or more Sureties to the Province Treasurer for the Sum of Sixteen pounds sixteen shillings law<sup>l</sup> money to be paid within One year from the Date hereof with law<sup>l</sup> Interest therefor till paid. [*Passed April 25.*]

## CHAPTER 160.

RESOLVE CONFIRMING A TRACT OF 395 ACRES AND 78<sup>1</sup> RODS OF LAND TO DIRCH, JOHN, NICHOLAS AND NICHOLAS, JR., SPOOR.

Legislative  
Records of the  
Council, xxix.,  
224.

House Jour-  
nal, pp. 166, 184,  
187. Province  
Laws, xli., 317,  
chap. 129; 391,  
chap. 69.

A PETITION of Dirch Spoor, John Spoor, Nicholas Spoor and Nicholas Spoor jun<sup>r</sup> Setting forth That they have for twelve years past been possessed of a Tract of Province Land lying West of Sheffield in the County of Berkshire, on which they have made improvement That they have attempted to obtain a title to the same from the Government but hitherto have been unhappily defeated in such their attempts. And, as they are informed that the Government have lately come into a determination to make sale of the Province Lands in the Western parts, Praying that the said Tract of Land may be

<sup>1</sup> But see the Resolve.

granted and confirmed to them upon such terms as shall be judged reasonable agreeable to the Survey and Plat thereof, which contains three hundred and ninety five acres and seventy eight rods, exclusive of a Grant made some time since to Israel Williams Esq<sup>r</sup> which they have bought of him.

The following is the Survey of the Land referred to in the foregoing Petition viz<sup>t</sup> Laid out to Mess<sup>rs</sup> Dirch Spoor, John Spoor, Nicholas Spoor and Nicholas Spoor jun<sup>r</sup> six hundred ninety five acres and 78 rods of Land including a Grant of 300 acres granted to Israel Williams Esq<sup>r</sup> and assigned by Deed to said Spoors lying and being of the Province Land West of Sheffield, bounding East on Sheffield West line, South on possessions of Joash Boyce, West on the Great Mountain north on possessions of James Sexton, the first bounds is a Walnut Tree marked standing near the black Rock, so called, and is the South West bounds of James Sextons possession, thence West 2° 30<sup>00</sup> South 66 rods to a black Birch tree marked, then South 22° West 26 rods to a Walnut tree, then South 42° West 66 rods to a black Oak tree, then South 30° East 100 rods to a Chesnut Tree standing by a smooth Rock, then South 4° West 80 rods to a Chesnut Tree then South 33° East 44 rods to a white burch tree, then East 12° South 112 rods to a great rock, then South 60 rods to a Walnut tree, then East 22° South 90 rods to the highway, then South 7 rods, then East 6 north 112 rods to the Town line, then on the Town of Sheffield line N 1° E 300 rods to a stake and Stones, then north 68° West 96 rods to a small black Oak staddle by a Pond, then north 18° East 91 rods to a black Oak staddle in the highway, then West 12° South 190 rods to the first bounds, there is contained within the forementioned bounds 395 acres of Land and 78<sup>1</sup> rods, excepting the Grant.

Novem<sup>r</sup> 12. 1771

EPHRAIM FITCH	Surveyor
PHIN <sup>s</sup> NASH	} Chainmen
ROB <sup>t</sup> WARN	

[Read and]

*Resolved* that all the Right, title and Interest of this Province in and to the Tract of Land prayed for and referred to in the Petition aforesaid containing three hundred and ninety five acres and eighty rods exclusive of the Grant mentioned therein, be and hereby is granted to the Petitioners their Heirs and assigns forever, provided they give sufficient security to the Province Treasurer for the sum of nine pounds, seventeen shillings lawful money to be paid within one year from the date hereof with lawful Interest therefor till paid.

[*Passed April 25.*]

<sup>1</sup> But see the Resolve.





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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1772-73.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1772-73.

HIS EXCELLENCY THOMAS HUTCHINSON,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

THOMAS FLUCKER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

SAMUEL DANFORTH  
ISAAC ROYALL  
JOHN ERVING  
WILLIAM BRATTLE  
JAMES BOWDOIN  
THOMAS HUBBARD  
HARRISON GRAY  
JAMES RUSSELL  
JAMES PITTS

} Esqrs.

SAMUEL DEXTER  
THOMAS SANDERS  
ARTEMAS WARD  
BENJAMIN GREENLEAF  
STEPHEN HALL  
CALEB CUSHING  
TIMOTHY WOODBRIDGE  
JOHN HANCOCK  
SAMUEL PHILLIPS

} Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

JAMES OTIS  
WILLIAM SEVER

} Esqrs.

WALTER SPOONER  
JERATHMEEL BOWERS<sup>2</sup> } Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

NATHANIEL SPARHAWK, JOHN BRADBURY & JEREMIAH POWELL, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ; .*

JAMES GOWEN, Esq.

<sup>1</sup> See Legislative Records of the Council, xxix., 233-239.

<sup>2</sup> Rejected by the Governor. See Legislative Records of the Council, xxix., 239.

*For the Province, at large:—*

GEORGE LEONARD, JR., &amp; JAMES HUMPHREY, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 27, 1772 to March 6, 1773.*

MR. THOMAS CUSHING, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Thomas Cushing, Esq.,
	Mr. Samuel Adams,
	John Hancock, Esq.,
	William Phillips, Esq.
<i>Roxbury</i> , . . .	Capt. William Heath.
<i>Dorchester</i> , . .	Mr. Samuel Howe.
<i>Milton</i> , . . .	Mr. Josiah Howe.
<i>Braintree</i> , . .	Ebenezer Thayer, Jr., Esq.
<i>Weymouth</i> , . .	Mr. Nathaniel Bayley.
<i>Hingham &amp; Cohasset</i> , }	John Thaxter, Esq.
<i>Dedham</i> , . . .	Mr. Abner Ellis.
<i>Medfield</i> , . . .	Capt. Samuel Morse.
<i>Wrentham</i> , . .	Mr. Jabez Fisher.
<i>Brookline</i> , . .	Capt. Benjamin White.
<i>Needham</i> , . . .	Capt. Eleazer Kingsbury.
<i>Stoughton, and Stoughtonham</i> , }	Mr. Hezekiah Gay.
<i>Medway</i> , . . .	Capt. Jonathan Adams.
<i>Walpole</i> , . . .	Joshua Clap, Esq.
<i>Chelsea</i> , . . .	Mr. Thomas Pratt.

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	Richard Darby, Jr., Esq.,
	Mr. John Pickering, Jr.
<i>Danvers</i> , . . .	Doctor Samuel Holton.
<i>Ipswich</i> , . . .	Capt. Michael Farley.
<i>Newbury</i> , . . .	Joseph Gerrish, Esq.
<i>Newburyport</i> , .	Capt. Jonathan Greenleaf.
<i>Marblehead</i> , . .	Richard Reed, Esq.,
	Mr. Elbridge Gerry.
<i>Lynn</i> , . . .	Ebenezer Burrill, Esq.
<i>Andover</i> , . . .	Samuel Phillips, Esq.
<i>Beverly</i> , . . .	Mr. Henry Herrick.
<i>Rowley</i> , . . .	Humphrey Hobson, Esq.
<i>Salisbury</i> , . .	Mr. Samuel Smith.
<i>Haverhill</i> , . .	Mr. Jonathan Webster.
<i>Gloucester</i> , . .	Nathaniel Allen, Esq.
<i>Topsfield</i> , . .	Capt. Samuel Smith.
<i>Boxford</i> , . . .	Capt. Asa Perley.

COUNTY OF ESSEX — *Concluded.*

<i>Atmsbury</i> , . .	Isaac Merrill, Esq.
<i>Bradford</i> , . .	Capt. Daniel Thurston.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Capt. Thomas Gardner.
<i>Charlestown</i> , .	Mr. Nathaniel Gorham.
<i>Watertown</i> , . .	Mr. Jonathan Browne.
<i>Woburn</i> , . . .	Mr. Oliver Richardson.
<i>Concord</i> , . . .	Capt. James Barrett.
<i>Newton</i> , . . .	Abraham Fuller, Esq.
<i>Reading</i> , . . .	Capt. Daniel Putnam.
<i>Marlborough</i> , .	Mr. Peter Bent.
<i>Billerica</i> , . . .	William Stickney, Esq.
<i>Framingham</i> , .	Capt. Josiah Stone.
<i>Lexington</i> , . .	Mr. Jonas Stone.
<i>Sudbury</i> , . . .	John Noyes, Esq.
<i>Malden</i> , . . .	Mr. Ebenezer Harnden.
<i>Weston</i> , . . .	Mr. Abraham Bigelow.
<i>Medford</i> , . . .	Simon Tufts, Esq.
<i>Hopkinton</i> , . .	John Willson, Esq.
<i>Westford</i> , . .	Capt. Joseph Reed.
<i>Waltham</i> , . . .	Jonas Dix, Esq.
<i>Chelmsford</i> , . .	Mr. Simeon Spaulding.
<i>Groton</i> , . . .	} James Prescott, Esq.
<i>Shirley and Pepperrell</i> , }	
<i>Townshend</i> , . .	Capt. Amos Heald.
<i>Sherburne</i> , . .	Capt. Joseph Twitchell.

## COUNTY OF HAMPSHIRE.

<i>Springfield &amp; Wilbraham</i> , }	Hon. John Worthington, Esq.,
	Benjamin Day, Esq.
<i>Northampton &amp; Southampton</i> , }	Joseph Hawley, Esq.
<i>Hatfield, Whately &amp; Williamsburgh</i> , }	Hon. Israel Williams, Esq.
<i>Hadley, South Hadley, Amherst and Granby</i> , }	Mr. Josiah Pearce.
	Eleazer Porter, Esq.

COUNTY OF HAMPSHIRE — *Concluded.*

<i>Westfield and Southwick,</i>	{	Capt. John Mosely.
<i>Deerfield,</i>		
<i>Greenfield,</i>	{	Mr. Samuel Hinsdale.
<i>Shelburn and Conway,</i>		
<i>Sunderland and Montague,</i>	{	Mr. William Billing.
<i>Brimfield,</i>		
<i>South Brimfield and Monson,</i>	{	James Bridgham, Esq.

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	James Warren, Esq.,
	Mr. Isaac Lothrop.
<i>Scituate,</i>	Mr. Gideon Vinall.
<i>Duxborough,</i>	Capt. John Wadsworth.
<i>Marshfield,</i>	Capt. Anthony Thomas.
<i>Bridgewater,</i>	Daniel Howard, Esq.
<i>Middleborough,</i>	Capt. Benjamin White.
<i>Rochester,</i>	Mr. Samuel Sprague.
<i>Plympton,</i>	Mr. Samuel Lucas.
<i>Pembroke,</i>	Josiah Keene, Esq.
<i>Hanover,</i>	David Stockbridge, Esq.
<i>Abington,</i>	Capt. Woodbridge Brown.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. . .	Edward Bacon, Esq.
<i>Sandwich,</i>	. . .	Mr. Stephen Nye.
<i>Yarmouth,</i>	. . .	David Thacher, Esq.
<i>Eastham and</i>	}	Mr. Barnabas Freeman.
<i>Welfleet,</i>		
<i>Harwich,</i>	. . .	Mr. Benjamin Freeman.
<i>Falmouth,</i>	. . .	Capt. Joseph Robinson.
<i>Chatham,</i>	. . .	Mr. Joseph Doane.

COUNTY OF BRISTOL.

<i>Taunton,</i>	. . .	George Godfrey, Esq., Mr. Nehemiah Lysecomb.
<i>Rhoboth,</i>	. . .	Capt. Joseph Barney.
<i>Swansey,</i>	. . .	Jerathmeel Bowers, Esq.
<i>Dartmouth,</i>	. . .	Elisha Tobey, Esq., Mr. Benjamin Aikin.
<i>Norton and Munsfield,</i>	}	Dr. George Wheaton.
<i>Attleborough,</i>		
<i>Dighton,</i>	. . .	Mr. John Daggett.
<i>Freetown,</i>	. . .	Elnathan Walker, Esq.
<i>Easton,</i>	. . .	Thomas Gilbert, Esq.
<i>Easton,</i>	. . .	Capt. Matthew Hayward.

COUNTY OF YORK.

<i>York,</i>	. . .	Thomas Bragdon, Esq.
<i>Kittery,</i>	. . .	Edward Cutt, Esq.
<i>Wells,</i>	. . .	John Wheelwright, Esq.
<i>Berwick,</i>	. . .	Capt. Nathan Lord, Jr.
<i>Arundell,</i>	. . .	Thomas Perkins, Esq.
<i>Bideford &amp; Pepperrel-boro',</i>	}	Jeremiah Hill, Esq.
<i>Lebanon,</i>		. . .

DUKES COUNTY.

<i>Edgartown,</i>	Mr. Thomas Cooke.
<i>Chilmark,</i>	Matthew Mayhew, Esq.

IN THE COUNTY OF NANTUCKET.

<i>Sherburne,</i>	Mr. Stephen Hussey.
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COUNTY OF WORCESTER.

<i>Worcester,</i>	. .	Mr. Joshua Bigelow.
<i>Lancaster,</i>	. .	Capt. Asa Whitcomb.
<i>Mendon,</i>	. .	Mr. Edward Rawson.
<i>Brookfield,</i>	. .	Jedediah Foster, Esq.
<i>Oxford &amp; Charlton,</i>	}	Mr. Jeremiah Learned.
<i>Sutton,</i>		
<i>Leicester, Spencer and Paxton,</i>	}	Mr. Thomas Denny.
<i>Rutland, Rutland District, Oakham and Hubbardston,</i>		
<i>Westborough &amp; Northborough,</i>	}	Capt. Stephen Maynard.
<i>Shrewsbury,</i>		
<i>Lunenburg, Fitchburgh,</i>	}	Dr. John Taylor.
<i>Uxbridge,</i>		
<i>Harvard,</i>	. .	Israel Taylor, Esq.
<i>Bolton,</i>	. .	John Whitcomb, Esq.
<i>Western,</i>	. .	Simeon Dwight, Esq.
<i>Petersham,</i>	. .	Capt. Ephraim Doolittle.

COUNTY OF CUMBERLAND.

<i>Falmouth and</i>	{	William Tyng, Esq.
<i>Cape Elizabeth,</i>		
<i>Scarborough,</i>		
		Mr. Samuel March.

COUNTY OF LINCOLN.

<i>George Town and Woolwich,</i>	{	James McCobb, Esq.
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COUNTY OF BERKSHIRE.

<i>Sheffield, Great</i>	}	David Ingersoll, Jr., Esq.
<i>Barrington and</i>		
<i>Egremont,</i>		
<i>Stockbridge, . .</i>		Mr. Samuel Browne.

COUNTY OF BERKSHIRE — *Concluded.*

<i>Pittsfield, . . .</i>	William Williams, Esq.
<i>Tyringham, . .</i>	John Chadwick, Esq.
<i>Lanesborough, .</i>	Mr. Peter Curtis.
<i>Williamstown .</i>	Capt. Isaac Searl.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SEVENTH DAY OF SEPTEMBER, A.D.  
1772.

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## CHAPTER 1.

### VOTE CHOOSING GUARDIANS FOR THE CHURCH'S INDIANS.

THE TWO HOUSES according to agreement proceeded to the choice of Guardians for the Indians called Church's Indians in Freetown, and upon sorting and counting the Votes it appeared that the Rev<sup>d</sup> Silas Britt, M<sup>r</sup> Samuel Read and M<sup>r</sup> Stephen Borden were chosen. [*Passed June 2.*]

Legislative  
Records of the  
Council, xxix.,  
246.

House Jour-  
nal, pp. 18,  
19 *bis*.

## CHAPTER 2.

### VOTE CHOOSING GUARDIANS FOR THE PLYMOUTH INDIANS.

THE TWO HOUSES according to agreement proceeded to the choice of Guardians for the Indians called the black ground Indians in the Town of Plymouth and the Indians in the Town of Sandwich, and upon sorting and counting the Votes it appeared that the hon<sup>ble</sup> James Otis Esq<sup>r</sup> M<sup>r</sup> Isaac Lothrop and M<sup>r</sup> Stephen Nye were chosen. [*Passed June 2.*]

Legislative  
Records of the  
Council, xxix.,  
247. Mass.  
Archives,  
xxxiii., 561.

House Jour-  
nal, p. 19 *bis*.

## CHAPTER 3.

### RESOLVE ALLOWING £8 TO SAM<sup>l</sup> WINTHROP.

A PETITION of Samnel Winthrop one of the Clerks of the Superior Court &c Setting forth That in May 1768 he attended the Judges of the said Court to Nantucket and officiated as their Clerk in the Trial of a capital offender there. And praying an allowance for his service and expences, as has been usual on such occasions.

[Read and]

*Resolved* that there be allowd & paid out of the publick Treasury to Samnel Winthrop Esq<sup>r</sup> the Sum of Eight pounds in full for his Expence & Trouble as mentioend in this Petition. [*Passed June 5.*]

Legislative  
Records of the  
Council, xxix.,  
252. Mass.  
Archives,  
xliv., 723.

Mass.  
Archives,  
xliv., 722.  
House Jour-  
nal, pp. 25, 28.

## CHAPTER 4.

RESOLVE IMPOWERING HANNAH SNOW, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
252.

House Jour-  
nal, pp. 24, 26.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Hannah Snow administratrix of the Estate of her late Husband Jabez Snow jun<sup>r</sup> late of Westborough Housewright deceased Setting forth That the said deceased a short time before his death purchased a tract of Land lying in Southborough of the value of £133.6.8; and at the time of his death had paid but the sum of £6.13.4 in part thereof That the said deceased left no other Real Estate than that beforementioned, except a small interest in one room of a dwelling house in Westborough That the Petitioner cannot discharge the debts of the deceased without the sale of near the whole of the Real Estate, which, in all, consists of about forty acres of Land. And praying that she may be empowered to make sale of the whole of the Real Estate aforesaid.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and the Petitioner be and she accordingly is hereby fully empowered to make sale of the whole of the Real Estate in her Petition mentioned for the most the same will fetch and make and execute a good and sufficient deed or deeds thereof; provided she observe the rules and directions of the Law for the sale of Real Estates by Executors and administrators and first give sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> that the Widow of said deceased be allowed the use of one third thereof in lien of dower during her natural life, and the other two thirds be applied for the payment of the deceaseds just debts and the overplus, if any be, be put to Interest for the benefit of the legal Heirs of the deceased, and that the Widows third be paid to the respective Heirs or their legal Representatives immediately after her decease, provided the debts of the said deceased be all first discharged. [*Passed June 5.*]

## CHAPTER 5.

## RESOLVE ADJOURNING COURTS IN BARNSTABLE COUNTY.

Legislative  
Records of the  
Council, xxix.,  
255.

House Jour-  
nal, p. 36.  
Province  
Laws, v., 45,  
chap. 18.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas by Law are to be holden at Barnstable in and for the County of Barnstable on the last Tuesday in June instant: and whereas a number of the Justices of the said Courts who are members of the General Court will be unable to attend their duty here by reason of their being obliged to attend the first mentioned Courts provided they should be held at the time aforesaid.

*Resolved* that the said Court of General Sessions of the peace and Inferior Court of Common pleas be and are hereby adjourned to the third Tuesday in July next and that every matter or thing that might have had day in the same Courts provided they had not been adjourned, shall have day on said adjournment and be acted upon to final Judgment and Execution to all intents and purposes as fully as if no adjournment had taken place. [*Passed June 9.*]

## CHAPTER 6.

## RESOLVE ESTABLISHING THE GARRISON AT FORT POWNALL AND THE WAGES THEREOF.

*Resolved* that there be an establishment for twenty men, officers included, for Fort Pownall at Penobscot, and that their Wages be fixed at the following Rates, to continue for one year from the twentieth of this instant June. One Lieutenant  $\text{p}$  month two pounds, ten shillings; one Chaplain  $\text{p}$  ditto four pounds; one Interpreter  $\text{p}$  ditto, two pounds ten shillings; one Gunner  $\text{p}$  ditto two pounds, five shillings; one armourer  $\text{p}$  ditto, one pound, ten shillings; fifteen privates each,  $\text{p}$  ditto, one pound, four shillings.

[*Passed June 10.*]

Legislative  
Records of the  
Council, xxix.,  
258.

House Jour-  
nal, p. 37.

## CHAPTER 7.

## RESOLVE IMPOWERING JOHN TWISS AND JOSHUA BALDWIN, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Twiss of Tewksbury Guardian for his Children, Samuel, Daniel, Lydia and Abigail, minors, and of Joshua Baldwin of said Tewksbury Guardian for the Children of Josiah Kidder of said Tewksbury viz<sup>t</sup> Jonathan, Molley and Mary, minors Setting forth That Kendall Patten late of said Tewksbury deceased Grandfather to the said minors left to them & divers other persons, who are of age, as Intestate Estate, about eighty six acres of Land in said Tewksbury in four pieces, with about one third part of the buildings That the Fences and buildings on the said Land are old & decayed and the said Estate will not admit of a division among the Heirs That the Heirs who are of age are about selling their Rights in the premises. And praying that they may be impowered, in their said capacity, to make sale of the said minors interest in the premises also.

[Read and]

*Resolved* that the prayer of the within Petition be granted, and the Petitioners be and they are hereby impowered to make sale of the shares of the Real Estate, in the Petition mentioned, belonging to their respective Wards for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same, they observing the rules and directions of the Law relative to the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said sale be put to Interest for the benefit of said minors, to be divided among them in the same proportion as the Real Estate would have been in case the same had not been sold. [*Passed June 10.*]

Legislative  
Records of the  
Council, xxix.,  
259.

House Jour-  
nal, pp. 23, 39.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 8.

RESOLVE IMPOWERING HAN<sup>d</sup> CLARK, ADM<sup>s</sup>, TO SELL LAND.

Legislative  
Records of the  
Council, xxix.,  
260.

House Jour-  
nal, pp. 28, 39,  
41.

A PETITION of Hannah Clark administratrix of the Estate of Gershom Clark late of Northampton in the County of Hampshire deceased setting forth That the said Gershom in his life time had agreed with the Rev<sup>d</sup> Jonathan Judd of Southampton in the same County to sell and convey to the said Jonathan a piece of Land in Northampton aforesaid being the Southerly half part of Lot N<sup>o</sup> 84 in the long division, so called, and containing sixty one acres and four perch; for which Lands the said Jonathan was to pay to the said Gershom at the rate of six shillings  $\phi$  acre, and that the sale as aforesaid would now serve the interest of the Heir of the said Gershom the Intestate. And praying that she may be impowered to make sale of the Lands aforesaid in manner and for the consideration aforesaid.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner be impowered to sell and convey to the Rev<sup>d</sup> Jonathan Judd the piece of Land in the Petition mentioned, on the conditions therein set forth, and make and execute a good and sufficient deed thereof to him the said Jonathan; she giving sufficient security to the Judge of Probate for the County of Hampshire that the money arising by said sale and the Interest that may arise thereon be applied as the said Real Estate and the income thereof would have been in case the same had not been sold. [*Passed June 10.*]

## CHAPTER 9.

RESOLVE GRANTING 500 ACRES OF EQUIVALENT LAND TO FRA<sup>s</sup> FULLAM.

Legislative  
Records of the  
Council, xxix.,  
262.

Legislative  
Records of the  
Council, xxix.,  
290. House  
Journal, pp. 19,  
20, 40, 41.  
Province  
Laws, xi., 434,  
chap. 67; xvii.,  
244, chap. 50.  
*Ante*, p. 43,  
chap. 82.

A PETITION of Francis Fullam of Fitchburgh Praying for the Grant of a Tract of unappropriated Land in lieu of his proportion of a Township formerly granted to the Soldiers under the command of Cap<sup>t</sup> John Lovewell, which fell into Newhampshire on runing the Line between that Province and the Massachusetts

[Read and]

*Resolved* that there be granted to Francis Fullam his Heirs and assigns five hundred acres of Land to be laid out in an unappropriated tract of Land in the westerly part of the Province adjoining to ten thousand acres granted to Cornelius Jones, called Merrifield, to satisfy his proportion of the Grant in his Petition mentioned, which he lost by the runing Newhampshire line, and that the Petitioner at his own cost cause the same to be laid out by skilful Surveyor and Chainmen under oath, and return a plan of the same to this Court for acceptance within twelve months. [*Passed June 11.*]

## CHAPTER 10.

RESOLVE IMPOWERING WILL<sup>M</sup> BALDWIN, ADM<sup>B</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Baldwin administrator of the Estate of Reynolds Seager late of Sudbury deceased and Guardian of Hannah, Reynolds, Elizabeth and John Seager, Children and Heirs of the said deceased Setting forth That the Real Estate of said deceased consists of a Farm in said Sudbury containing about one hundred acres, with a dwelling house and Barn thereon; that the dwelling house and fences are greatly decayed, and if not soon repaired, at a very considerable expence, must fall into total ruin. That, as it will be near nineteen years before the said Children are all of age, it is certain the said Estate cannot be kept for them without very considerable loss, because even when the necessary repairs are completed it is not probable that the Estate will Rent for more than three per Cent of the principal Sum at which it is appraised, and for which, it is apprehended it may now be sold; out of which Rent there must be a constant annual deduction for repairs; and perhaps the whole Rent expended That he apprehends it to be clearly for the benefit and advantage of his said Wards that the Estate aforesaid should be sold and the proceeds thereof be put to Interest upon good security. And praying that he may be empowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner be and he hereby is fully empowered to sell the Real Estate in his Petition mentioned for the most the same will fetch, and make and execute a good deed or deeds thereof he observing the directions of the Law for the sale of Real Estates by Executors & administrators, and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said sale be put to Interest for the benefit of the Heirs to said Estate, to be by them inherited in the same proportion as they would have inherited the Real Estate in case the same had not been sold. [*Passed June 11.*]

Legislative  
Records of the  
Council, xxix.,  
263.

House Jour-  
nal, pp. 37, 42.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 11.

## RESOLVE IMPOWERING ENOCH BARTLETT TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Burrill and others Setting forth That that part of the Real Estate of Edward Tompson late of Haverhill deceased which was set off to his Widow as her dower (who is since deceased) and which consists of part of an old House and about eight rods of Land in said Haverhill, will not admit of a division among the Heirs That they, the Petitioners, and sundry minors Heirs of Abigail Robinson deceased, are the Heirs to the said Estate. And praying that Enoch Bartlett Esq<sup>r</sup> of said Haverhill may be empowered to make sale of the premises for the benefit of the Heirs; the Guardian of the said Minors joining in the prayer of the said Petition.

Legislative  
Records of the  
Council, xxix.,  
264.

House Jour-  
nal, pp. 38, 42,  
43. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the within named Enoch Bartlet be and he hereby is fully impowered to make sale of the part of the House and the Land in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same, he observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Essex that the proceeds thereof be divided among the Heirs in the same proportion as they would have inherited the said House and Land in case the same had not been sold. [*Passed June 11.*]

## CHAPTER 12.

### ORDER IMPOWERING ISAAC JEFFRY, INDIAN, TO EXCHANGE LAND.

Legislative  
Records of the  
Council, xxix.,  
265.

House Jour-  
nal, pp. 21, 43,  
45.

A PETITION of Isaac Jeffry Indian man living at a place called Monument within the Township of Plymouth Setting forth That he owns about seven acres of Land at said Monument, which he cannot improve to so good advantage as he might a certain piece of Land in the neighborhood, nigher to him, belonging to one Silvanus Bartlet of said Town, who is willing to exchange with him upon reasonable terms. And praying that he may be impowered to make such exchange, and that some person may be appointed to see justice done him therein.

Read and

*Ordered* that the prayer of this Petition be granted, and that the Petitioner be and he is hereby impowered with the advice and assistance of James Warren Esq<sup>r</sup> to make the exchange of the Land in the Petition mentioned with Silvanus Bartlet, and to make and execute a good deed or deeds of exchange of the same. [*Passed June 11.*]

## CHAPTER 13.

### RESOLVE IMPOWERING JACOB TUSNUCK, INDIAN, TO EXCHANGE LAND.

Legislative  
Records of the  
Council, xxix.,  
267.

House Jour-  
nal, pp. 27, 45.  
Province  
Laws, xvii.,  
334, chap. 294.

A PETITION of Jacob Tusnuck Indian of Stockbridge Setting forth That he owns three acres of poor pine Land in said Stockbridge, bounded Easterly on a highway leading from the hill to the plain, Southerly on the highway leading from the meeting house to M<sup>r</sup> Joseph Woodbridge's and northerly and Westerly on Land belonging to Josiah Jones, which he has agreed to exchange with Timothy Edwards Esq<sup>r</sup> for three acres of good interval Land which will be worth much more to the Petitioner. And praying that he may be impowered to make such exchange accordingly.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be allowed to make the exchange of Lands in said Petition mentioned, and make and execute a good and sufficient Deed of the Lands in said Petition first mentioned, to said Timothy Edwards his Heirs and assigns forever, to be holden in fee; provided said exchange of Lands be made under the special and immediate direction of Timothy Woodbridge Esq<sup>r</sup>. [*Passed June 12.*]



## CHAPTER 14.

## RESOLVE IMPOWERING MOSES LITTLE TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Francis Worcester and Elizabeth his Wife, David Perkins and Elizabeth his Wife, Joseph Pulcifer and Mary his Wife, Ezekiel Eliot and Sarah his Wife Setting forth That Moses Brown late of Newburyport in the County of Essex Yeoman deceased, died Intestate, leaving the first named Elizabeth his Widow, and Elizabeth Perkins, Mary Pulcifer, Sarah Eliot, aforementioned, and Hannah Brown and John Brown his Children; which two last are now under the age of ten years, and his said other Children all under the age of twenty one years That the said Elizabeth Worcester administered on the Estate of the said deceased and has the care of the two youngest Children and that she, with all her Children, are removed and live in the Province of Newhampshire That all the Real Estate of the said deceased lies in said Newburyport and consists in a small dwelling house and about one quarter of an acre of Land, which are appraised at about £200 That the said Real Estate will not admit of a division among the Heirs, and that the sale of it at this time must be greatly beneficial. And praying that the said Francis Worcester and Elizabeth his Wife may be empowered to make sale of the premises for the benefit of the Heirs and Creditors of the said deceased.

[Read and]

*Resolved*, on the Petition of Francis Worcester and others, that the prayer of the Petition be so far granted as that Moses Little of Campton in the Province of Newhampshire Esq<sup>r</sup> be and he hereby is fully empowered to make sale of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same, he observing the directions of the Law for the sale of Real Estates by Executors and administrators, first giving sufficient security to the Judge of Probate for the County of Essex that the proceeds of said sale be applied as follows viz<sup>t</sup> that the just debts, if any due from said Estate, be all first paid; and one third part of the remainder be put to Interest for the use of the first named Elizabeth in said Petition, and the Interest thereof paid her annually as her dower during life, and that the remainder be divided among the Heirs in the proportion they would have inherited the said Real Estate in case the same had not been sold, and that the abovementioned third be divided after the decease of said Elizabeth among said Heirs in the proportion above specified. [*Passed June 12.*]

Legislative  
Records of the  
Council, xxix.,  
267.

House Jour-  
nal, pp. 34, 45,  
46. Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 15.

## RESOLVE IMPOWERING ENOCH BARTLET TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Enoch Bartlet of Haverhill and Thomas Bartlet of Newbury Sons of Thomas Bartlet late of said Newbury deceased Intestate Setting forth That the said Intestate in the year 1744

Legislative  
Records of the  
Council, xxix.,  
268.

House Journal, pp. 38, 45.  
Province Laws, ii., 151,  
chap. 10.

died siezed of Lands equal to three original rights in the Narraganset Township number one, in the County of York, and of about forty acres of Land in Falmouth, now in the County of Cumberland, which have never been settled or divided among his Heirs but have for more than twenty seven years past been under the care of the said Enoch, the administrator on said Estate, who has, at sundry times, paid more than forty pounds for the Taxes assessed thereon, for which he has received no pay or allowance. And praying, agreeable to the express desire of the Heirs, that the said Enoch Bartlet may be impowered to make sale of the premises for the reimbursement of the said Taxes and his other charges thereon, with Interest, and for the benefit of the Heirs.

[Read and]

*Resolved* that the prayer of the within Petition be granted, and that the said Enoch Bartlet be and he hereby is fully impowered to make sale of the Lands in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or deeds thereof to the purchaser or purchasers, he observing the rules and directions of the Law respecting the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probate for the County of Essex that the proceeds of said sale be applied first for the payment of the Taxes and other charges that have justly arisen or may arise on said Lands, and the remainder, if any, be accounted for and paid to the several Heirs of said Lands, to each one in such proportion as they might have inherited the said Lands in case the same had not been sold. [*Passed June 12.*]

## CHAPTER 16.

RESOLVE IMPOWERING MIRIAM SWAN, GUARDIAN, TO SELL PART OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxix., 270.

Legislative Records of the Council, xxix., 153. House Journal, pp. 19, 20, 46, 47.  
Province Laws, ii., 151,  
chap. 10.

A PETITION of Miriam Swan Gwardian of Joseph Swan a minor Praying that she may be impowered to make sale of the said minors interest in certain Real Estate, which fell to him by his Great Grandfather

[Read and]

*Resolved* that this Petition be revived and that the prayer thereof be granted, and that the Petitioner be and she is hereby fully impowered to make sale of her Sons share in the Lands in her Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof, she observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Essex that the proceeds of said sale shall be put to Interest for the benefit of said Child, and shall be paid to him when he shall arrive to the age of twenty one years, saving what may be allowed her by said Judge out of the Interest, to enable her to support her said Son during his minority. [*Passed June 12.*]

## CHAPTER 17.

RESOLVE IMPOWERING SARAH WALKER, ADM<sup>x</sup>, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Sarah Walker administratrix of the Estate of her late Husband Isaac Walker late of Boston merchant deceased Setting forth, That Joseph Green late of Boston Esq<sup>r</sup> deceased and the said Isaac were for many years joint merchants and Copartners in Trade and as such became siezed, as tenants in common of divers tracts of Land in the County of Berkshire; which, after the death of the said Joseph and Isaac, were by order of the Judge of Probate for the County of Suffolk, divided and set apart to their respective Heirs and Representatives That the Heirs of the said Joseph Green are about to make sale of their part of said Lands, which if sold separately from that part assigned to the said Isaac's Heirs, will greatly prejudice and lessen the value thereof, if not wholly obstruct the sale. And praying that she may be impowered to make sale of the said Lands; the Heirs of the said Isaac having signified their consent thereto.—

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and she accordingly is hereby impowered to sell the several tracts of Land in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof in Law, she observing the rules and directions of the Law respecting the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that one third of the proceeds of said sale be put on Interest, and the Interest thereof applied for the use of the administratrix in lien of her dower in said Lands, and the remainder divided among the Heirs to said Estate in the same proportion they might by Law have inherited said Estate in case the same had not been sold, and also that the third on which the Widows dower is to arise be, after her decease, divided in the same manner. [*Passed June 12.*]

Legislative  
Records of the  
Council, xxix.,  
271.

House Jour-  
nal, pp. 33, 49.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 214,  
chap. 217.

## CHAPTER 18.

## RESOLVE IMPOWERING SAMUEL PARK AND JOSHUA HEMINWAY TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of the administrators and Heirs of the Estate of Daniel Fairbanks late of Holliston deceased Setting forth That the said deceased died siezed of a Real Estate in said Holliston; part whereof must be sold for payment of debts That the said Estate is so much out of repair that it is judged the Rent for five or six years to come will hardly put it in repair. That the said Real Estate will not admit of a division among the Heirs without great prejudice thereto, and those of them who are of age are in great want of their respective shares therein. And praying that the Guardians of those of the Heirs who are under age may be impowered to make sale of the premises.

Legislative  
Records of the  
Council, xxix.,  
272.

House Jour-  
nal, pp. 37, 48,  
49. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that Samuel Park and Joshua Heminway be and they are hereby impowered to make sale of the whole of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that the proceeds of said sale be applied as follows viz<sup>t</sup> the Interest of one third part thereof be paid to the Relict of Daniel Fairbank deceased, during her life, and that the remainder, after paying all the just debts due from the Estate be divided among the Heirs to said Estate in the proportion they might have inherited said Estate in case the same had not been sold, and also that the abovementioned third of said proceeds be inherited by the Heirs in the same proportion after the decease of the Widow or Relict of the abovementioned Daniel Fairbank. [*Passed June 12.*]

## CHAPTER 19.

RESOLVE GRANTING 200 ACRES OF EQUIVALENT LAND TO JOHN DENNIS.

Legislative  
Records of the  
Council, xxix.,  
273.

House Jour-  
nal, pp. 30, 50.  
Province  
Laws, xv., 62,  
chap. 143.

A PETITION of John Dennis Setting forth That the General Court formerly granted him two hundred acres of Land on Cox Hall and Phillips Town lines, which has lately appeared to interfere with other Grants, so that he can receive no benefit therefrom. And praying that he may have a Grant of other Lands equivalent thereto.

[Read and]

*Resolved* that there be and hereby is granted to the Petitioner four hundred acres of the unappropriated Lands of the Province lying to the Eastward of Saco River adjoining to some other Grant within this Province, he returning a plan thereof to this Court taken by a Surveyor and Chainmen under Oath for that purpose in one year from the date hereof; and the Lands so laid out and returned, to be in full satisfaction for all former Grants as well as for the cost and charges arising thereupon to the Petitioners. [*Passed June 13.*]

## CHAPTER 20.

ORDER APPOINTING A COMMITTEE FOR MAKING SALE OF MATERIALS OF THE OLD POWDER HOUSE.

Legislative  
Records of the  
Council, xxix.,  
275. Mass.  
Archives,  
lxxx., 701.

House Jour-  
nal, p. 49.  
Province

In the House of Representatives  
*Ordered* that M<sup>r</sup> Hancock M<sup>r</sup> Phillips & M<sup>r</sup> Adams with such as shall be joynd by the Hon<sup>bl</sup> Board be a Committee & they are hereby authorizd & impowerd to make sale of the Materials of the old Powder Magazine in the Town of Boston for the most the same shall fetch as soon as the powder now therein shall be removd to

the Powder magazine lately erected in said Town by order of the General Court

In Council Read & Concurred & William Brattle & Tho<sup>s</sup> Hubbard Esq<sup>rs</sup> are Joined. [*Passed June 16.*]

Laws, v., 167.  
chap. 9. *Ante*,  
p. 570, chap. 73.

## CHAPTER 21.

RESOLVE IMPOWERING ANNA POOL, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Anna Pool of Boston Guardian of her two Children, Fitch Pool and Nancy Pool minors Setting forth That her deceased Husband died siezed of a quarter part of a Distil house in Boston, the expences attending the repairs of which, makes the income thereof unequal to the Interest of the money that would arise from an immediate sale, which now offers to more advantage than any which may occur; beside the very great danger of Fire and the inconvenience attending the present occupancy of the premises, it being held in common with three owners That the said deceased also died siezed of one moiety of a dwelling House and Land in Scarborough in the County of Cumberland, entirely out of repair and untenanted and hath not yielded a farthing since his decease. And praying that she may be empowered to make sale of the Estates aforesaid for her said Childrens benefit, more especially as her Husband desired her in his life time, in case she survived him, to do it.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner be and she is hereby empowered to sell the whole of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale be applied as follows viz<sup>t</sup> one third part thereof be put on interest and the Interest thereof allowed the Petitioner as her dower in said Estate, and also that the other two thirds with the Interest that may arise thereon be accounted for to and paid to the minors in the Petition mentioned in the proportion they might have inherited said Real Estate in case the same had not been sold, and further that the third on which arises the Widows dower, be divided after her decease in the same manner. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxix.,  
275.

House Jour-  
nal, pp. 13, 51.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 22.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

THE ACCOUNT of John Cotton Treasurer of the County of Plymouth being laid before the Court for allowance, the following order passed thereon viz<sup>t</sup>

Whereas it appears, upon examination, of the accounts of the Treasurer for the County of Plymouth for the year 1771 that all

Legislative  
Records of the  
Council, xxix.,  
276.

House Jour-  
nal, pp. 17, 24,  
49.



the monies granted and allowed by the Court of General Sessions of the peace were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that the said account be allowed. [*Passed June 16.*]

## CHAPTER 23.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative  
Records of the  
Council, xxix.,  
276.

House Jour-  
nal, pp. 17, 24,  
47.

THE ACCOUNT of Solomon Otis Esq<sup>r</sup> Treasurer of the County of Barnstable being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the accounts of the Treasurer for the County of Barnstable that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed June 16.*]

## CHAPTER 24.

### VOTE ALLOWING THE ACCOUNT OF THE GUARDIAN OF THE PUNCAPAUG INDIANS.

Legislative  
Records of the  
Council, xxix.,  
278. Mass.  
Archives,  
xxxiii., 562.

House Jour-  
nal, pp. 24, 43.

THE COMMITTEE appointed to examine the accounts of Guardians of the several Tribes of Indians, have examined the account of Jonathan Capen Guardian to the Puncapog Tribe, find the same just, right cast and well vouched and a balance of five pounds, seven shillings and three pence, three farthings, due to said Guardian.

JOHN THAXTER *per* Order

Read and Accepted. [*Passed June 17.*]

## CHAPTER 25.

### RESOLVE REMITTING TO THE TOWN OF SCARBOROUGH £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxix.,  
278. Mass.  
Archives,  
cxviii., 632.

Mass.  
Archives,  
cxviii., 630.  
House Jour-  
nal, p. 15  
(1771-72);  
pp. 40, 44.  
Province  
Laws, v., 101,  
chap. 7; 365-6,  
notes.

A PETITION of Samuel March in behalf of the Town of Scarborough in the County of Cumberland Setting forth That the said Town was fined in the sum of ten pounds in the year 1770 and the sum of fifteen pounds in 1771 for not sending a Representative to the General Court in those years. And, as the said Town have not neglected to send a Representative for twenty years past, except in one or two instances beside those aforementioned and have lately been at great expence in settling a minister and have suffered near five hundred pounds lawful money by means of defective Collectors of Taxes and otherwise sustained great losses, Praying that the said Fines may be remitted.

[Read and]



*Resolved* that the Prayer of this Petition be granted; that there be allowd & paid out of the publick Treasury into the Hands of Mr Samuel March for the Use of the Town of Scarborough the Sum of ten pounds, being the Sum assessd on said Town for neglecting to return a Representative to the General assembly in the year 1770 and also that the fine laid on said Town for omitting to return a representative in the year 1771 be remitted. [*Passed June 17.*]

## CHAPTER 26.

### RESOLVE GRANTING AND CONFIRMING A TRACT OF LAND TO EBENEZER OLDS.

A PETITION of Ebenezer Olds of Egremont, living on Province Lands Setting forth That he has many years possessed the tract of Land described in the annexed Plat and Survey, and that he has been always willing to submit to the payment of public Taxes, which tract of Land he is desirous of purchasing of the Government for a reasonable consideration. And praying for a Grant thereof accordingly.

The following is the Survey of the Tract of Land referred to in the foregoing Petition viz<sup>t</sup>

Surveyed for Ebenezer Olds of Egremont 135 acres and 148 rods of Land the same is of Province Lands lying in Egremont, including a Pond containing six acres, and 5 acres and 95 rods of highway, which being deducted remains 124 acres and 63 rods, bounded East on Sheffield West line, north on Lands belonging to the Heirs of Stephen Kellogg deceased, West on the East line of a Grant made to Cha<sup>s</sup> V<sup>n</sup> Skaack the first bounds is a stake and stones standing in a marsh near a Pond called Harmons pond and in the West line of Sheffield, thence north 1° East 246 rods to a stump, thence West 22° 45 South 144 rods to a stake and Stones, thence South 5° East 126 rods, then East 15° South 60 rods, then north 25° East 32 rods to a stake and stones, then South 20° East 74 rods to a pine tree then East 24° South 27 rods to the first bounds.

Ⓟ EPH<sup>m</sup> FITCH Surveyor

[Read and]

*Resolved* that all the right, title and Interest of this Province in and to the Tract of Land described in a plat annexed to the Petition be and hereby is granted & confirmed unto him the said Ebenezer, his Heirs and assigns forever: provided he give his obligation with one or more sureties to the Province Treasurer for the sum of Six pounds lawful money, to be paid within one year from the date hereof with lawful Interest therefor till paid. [*Passed June 17.*]

## CHAPTER 27.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

THE ACCOUNT of Beriah Norton Treasurer of Dukes County being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Legislative  
Records of the  
Council, xxix.,  
279.

House Jour-  
nal, pp. 13, 44,  
51, 63.

Legislative  
Records of the  
Council, xxix.,  
280.

House Jour-  
nal, pp. 17, 24,  
48.

Whereas it appears upon examination of the accounts of the Treasurer for the County of Dukes County, that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said accounts be allowed. [*Passed June 17.*]

## CHAPTER 28.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative  
Records of the  
Council, xxix.,  
280.

THE ACCOUNT of Michael Farley Treasurer of the County of Essex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

House Jour-  
nal, pp. 17, 24,  
47.

Whereas it appears upon examination of the accounts of the Treasurer for the County of Essex that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed June 17.*]

## CHAPTER 29.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF CUMBERLAND COUNTY.

Legislative  
Records of the  
Council, xxix.,  
281.

THE ACCOUNT of James Milk Treasurer of the County of Cumberland being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

House Jour-  
nal, pp. 17, 24,  
47, 48.

Whereas it appears upon examination of the accounts of the Treasurer for the County of Cumberland that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said accounts be allowed. [*Passed June 17.*]

## CHAPTER 30.

### ORDER GRANTING £3 ANNUALLY TO DANIEL DRUCE.

Legislative  
Records of the  
Council, xxix.,  
284. Mass.  
Archives,  
lxxx., 702.

House Jour-  
nal, pp. 48, 62.  
*Ante*, p. 448,  
chap. 152.

A PETITION of Daniel Druce Setting forth That he has for several years past received a Pension, by order of the General Court, in consideration of his poverty and of a Lameness contracted in the Province service the last War. And, as his Lameness still continues and disables him from labouring for a livelihood, and his Pension has ceased, Praying further relief.

Read &

*Orderd* that the Petitioners Pension be further continued & that there be allowd & paid to him the Sum of three Pounds annually from the Second day of June Instant & during the terme of three years. [*Passed June 19.*]

## CHAPTER 31.

## RESOLVE ALLOWING £6. 11. 6 TO JAMES HOVEY.

A PETITION of James Hovey of Plimouth Setting forth That in May 1768 at a special Superior Court of Judicature, Court of assize and General Goal delivery held at Nantucket for the Trial of Nathan Quibbit for murder, he acted as attorney for the King (the attorney General being absent) at which Court the said Nathan was Convicted, and afterwards executed That he hath received no recompence for his time and expences in the affair. And praying an allowance therefor.

[Read and]

*Resolved* that there be allowed and paid out of the public Treasury to James Hovey Esq<sup>r</sup> the sum of Six pounds, eleven shillings and six pence in full for the expences and service in his Petition mentioned viz<sup>t</sup> his repairing to Sherburne in the County of Nantucket and there officiating as attorney for our Lord the King at the trial of Nathan Quibbit for murder, as in his Petition set forth; provided always that the said James Hovey has not already received any recompence for his said service and expences. [*Passed June 20.*]

Legislative  
Records of the  
Council, xxix.,  
285.

House Jour-  
nal, pp. 60, 62.

## CHAPTER 32.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

THE ACCOUNT of John Chandler Esq<sup>r</sup> Treasurer of the County of Worcester being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the accounts of the Treasurer for the County of Worcester that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed June 20.*]

Legislative  
Records of the  
Council, xxix.,  
287.

House Jour-  
nal, pp. 17, 24,  
47, 63.

## CHAPTER 33.

## RESOLVE ALLOWING THE PROVISION ACCOUNT OF THE COMMISSARY GENERAL.

THE COMMITTEE appointed by the two Houses respectively on the accounts of Thomas Cushing Esq<sup>r</sup> Commissary General, having severally reported thereon, the following Orders passed on the said accounts viz<sup>t</sup>

On the Commissary General's account of Provisions &c purchased and delivered out.

*Resolved* that the foregoing account being right cast and well vouched be allowed and the Commissary General be further accountable for seven and half bushels of pease being the balance due. [*Passed June 23.*]

Legislative  
Records of the  
Council, xxix.,  
291.

Legislative  
Records of the  
Council, xxix.,  
271. House  
Journal, pp. 48,  
58, 59.

## CHAPTER 34.

## RESOLVE ALLOWING THE INDIAN TRADE ACCOUNT OF THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxix.,  
291.

House Jour-  
nal, p. 59.  
*Supra*, chap.  
33.

ON THE COMMISSARY GENERAL'S ACCOUNT of the Indian Trade.  
*Resolved* that the foregoing account being right cast and well vouched be allowed, and the Commissary General be further accountable for the sum of two thousand and sixty two pounds, sixteen shillings and three farthings being the balance. [*Passed June 23.*]

## CHAPTER 35.

## RESOLVE ALLOWING THE GENERAL ACCOUNT OF THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxix.,  
291.

House Jour-  
nal, p. 59.  
*Supra*, chap.  
34.

ON THE COMMISSARY GENERAL'S account current  
*Resolved* that the foregoing account being right cast and well vouched be allowed, and the Commissary General be further accountable for the sum of ninety nine pounds, eleven shillings and seven pence being the balance due from him. [*Passed June 23.*]

## CHAPTER 36.

RESOLVE IMPOWERING COMFORT CHAFFEE, ADM<sup>R</sup>, AND BETTY CHAFFEE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
291.

Legislative  
Records of the  
Council, xxix.,  
177. House  
Journal, pp. 34,  
35, 65. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of Comfort Chaffee Administrator of the Estate of Isaiah Chaffee late of Wilbraham deceased, and of Betty Chaffee Widow of the deceased Praying that the said administrator may be impowered to make sale of the Real Estate of the said deceased consisting of a small unfinished dwelling house and about twenty five acres of Land in said Wilbraham

[Read and]

*Resolved* that the same be revived, and that the prayer thereof be granted, and that the Petitioners be and they are hereby accordingly impowered to make sale of the Real Estate of the deceased in their Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Hampshire that the proceeds of said sale be applied as followeth viz<sup>t</sup> that the Widow of the deceased be allowed the use and improvement of one third part thereof during her natural life and at her decease the same shall be paid to the Children of the said deceased or their legal Representatives agreeable to the Law of inheritance, and the other part be first applied for the payment of the just debts of the deceased, and the overplus if any be put on Interest for the benefit of the Children to be divided among them in the same proportion they might have inherited said Real Estate in case the same had not been sold. [*Passed June 23.*]

## CHAPTER 37.

RESOLVE IMPOWERING JN<sup>o</sup> PHIPS, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Phips Guardian to Sarah Rich daughter & sole Heir to Philip Rich late of Brookfield deceased Setting forth That the said deceased died siezed and possessed of a Tract of Land lying in said Brookfield containing sixty acres, part whereof under improvement, with a small dwelling house thereon That the said Land is so situated that it cannot make a settlement, having scarcely any Timber thereon either for firewood or fencing nor any Stone suitable for Wall That the Premises lye near a quarter of a mile from any Road nor can any Road be made thereto but at the expence of its owner That it will not Rent for more than one half of the Interest of the money it would probably sell for and is daily decreasing in value. And praying that he may be impowered to make sale thereof for the benefit of the said minor and the Widow of the deceased; the said Widow being desirous thereof.

Legislative  
Records of the  
Council, xxix.,  
292.

House Jour-  
nal, pp. 54, 61.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner be and he accordingly is hereby fully impowered to make sale of all the Real Estate in his Petition mentioned for the most the same will fetch and make and execute a good and sufficient deed or deeds thereof, he observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and giving good and sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> that the Widow of Philip Rich deceased the mother of his Ward shall have the Interest of one third part of the proceeds of said sale paid to her annually during her natural life, and the other two thirds shall be put to Interest for the benefit of the said Ward and shall be paid to her with the Interest when she shall be of age to inherit, or to her legal Representative in case of her decease, and that she shall have and enjoy her mothers third after her decease provided always that the debts of said Philip Rich deceased are all first paid and discharged. [*Passed June 23.*]

## CHAPTER 38.

## RESOLVE IMPOWERING OLIVER WENDELL AND OTHERS, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Oliver Wendell, Samuel Quincy and Josiah Quincy jun<sup>r</sup> Executors of the last Will and Testament of Edmund Quincy the third late of Boston merchant deceased, and Bela Lincoln and Hannah his Wife in her right (the said Samuel, Josiah and Hannah being residuary Legatees of the said Edmund) Setting forth, That the said Edmund died siezed in fee of a certain tract of Land and a messuage situate in Short Street, so called, in said Boston, which after payment of debts and Legacies is, by the Will aforesaid, to be equally divided between the said residuary Legatees That the said messuage and Land is daily decreasing in value and now stands in

Legislative  
Records of the  
Council, xxix.,  
296. Mass.  
Archives, xix.,  
823.

Mass.  
Archives, xix.,  
821. House  
Journal, pp. 57,  
69, 70. Prov-  
ince Laws, ii.,  
151, chap. 10. }

need of very considerable repairs That, the Petitioners are satisfied, it will be much for the interest of all concerned that the same Land and messuage should be sold and the money appropriated to discharge the outstanding debts due from said Estate. And praying that they may be impowered to make sale of the same accordingly.

[Read and]

*Resolved* on the Petition of Oliver Wendell and others that the Prayer thereof be so far granted, as that the Executors therein named be and they are hereby impowered to Sell the messuage & Land in the Petition mentioned for the most the Same will fetch and make & execute a good and sufficient Deed or Deeds of the same to the Purchaser or Purchasers, They giving such notice of the time & place of Sale as the Law directs for the sale of Real Estates by Executors & Administrators, and giving sufficient Security to the Judge of Probate for the county of Suffolk, that the Proceeds of said sale be applied towards the discharging the just Debts of their Testator & that they will Duly account to the Judge for the same. [*Passed June 24.*]

## CHAPTER 39.

### RESOLVE IMPOWERING THE SELECTMEN OF THE TOWN OF EASTON TO SELL MINISTERIAL LANDS.

Legislative  
Records of the  
Council, xxix.,  
299.

A PETITION of Matthew Hayward and others agents for the Town of Easton in the County of Bristol Praying that the said Town may be impowered to make sale of their ministerial Lands

Legislative  
Records of the  
Council, xxix.,  
183. House  
Journal, pp. 56,  
73. Province  
Laws, xvii.,  
111, chap. 261.

Read and

*Resolved* that the prayer of this Petition be granted so far as that the Selectmen of the Town of Easton be and hereby are impowered to make sale of the several pieces of Land called and known by the name of Taunton north purchase lying and being in the Town of Easton in the County of Bristol laid out by the proprietors of Taunton North purchase and appropriated for the use of the ministry in said Easton as mentioned in said Petition, and make and execute a deed or deeds valid in Law to the purchaser or purchasers of the same, and that the monies arising from said sale be disposed of by said Town for the purchasing of Lands under improvement in the most suitable and convenient place for the support of the Congregational ministry in said Easton and to remain for that use and never to be alienated, the Selectmen aforesaid to make report of their doings to the General Court for their allowance and approbation and to be Recorded in the Secretary's office. [*Passed June 25.*]

## CHAPTER 40.

### RESOLVE GRANTING 4,147 ACRES OF EQUIVALENT LAND TO JOSEPH FRYE.

Legislative  
Records of the  
Council, xxix.,  
303.

A PETITION of Joseph Frye Setting forth That in the north corner of the Township at Pigwacket in the County of York which was granted and confirmed to him in 1763 there lyes a quantity of



interval Land separated (by low sunken Land) so far from any upland in said Township, except a small strip, as renders the settlement of any Families in that part of it impracticable and the improvement of said interval very inconvenient. And praying that he may be allowed to drop 4,147 acres of the Land in the west corner of said Township and to lay out the same quantity in the Province Lands adjoining to the northwardly part of said Township, in lieu thereof, to accommodate the said interval Land with Upland.

[Read and]

*Resolved* that the Government receive back the four thousand, one hundred and forty seven acres of the Land in the west corner of the Township at Pigwacket in the County of York which was granted to the Petitioner in AD 1762 and confirmed in 1763 as appears by the Plan herewith exhibited, and that in lieu thereof there be granted him the same quantity of the Governments Land as prayed for in said Petition, with liberty to lay it out adjoining to the northwardly or northeastwardly part of his Township (so as not to interfere with any former Grant) and that he return a plan thereof taken by a Surveyor and Chainmen under Oath for acceptance and confirmation in twelve months from this time. [*Passed June 26.*]

Mass. Archives, ccxliii., 84. House Journal, pp. 54, 62, 75. Province Laws, v., 666, notes; xvii., 361, chap. 308.

## CHAPTER 41.

### RESOLVES DISPOSING OF DIVERS LOTS OF LAND TO LEGAL REPRESENTATIVES OF SUNDRY PROPRIETORS OF NORTH YARMOUTH.

THE COMMITTEE appointed the 11<sup>th</sup> instant on the Petition of Jeremiah Powell Esq<sup>r</sup> in behalf of the Proprietors of North Yarmouth in the County of Cumberland, [for confirmation of certain Lots of Land to sundry of the said Proprietors] made report, and the following Order passed viz<sup>t</sup>

*Resolved* That Lot N<sup>o</sup> 35 in the division of the one hundred acre lots on the Southwest side of Royals River next Falmouth line which is Recorded to Daniel Watts be and hereby is confirmed to the Heirs and legal Representatives of the said Daniel Watts and Joseph Mitchel in equal shares, and also the Lot N<sup>o</sup> 33 in the same division that is not Recorded to any body be and hereby is confirmed to the Heirs and legal representatives of the said Daniel Watts and Joseph Mitchel in the same proportion

*Resolved* That the Lot N<sup>o</sup> 60 in the same division be and hereby is confirmed to the legal Representatives of Ammi Ruhamah Cutter their Heirs and assigns forever.

*Resolved* that the legal Representatives of William Larrabee and Henry Deering their Heirs and assigns shall have an equal right to Lot N<sup>o</sup> 21 in range C in the division of the hundred acre lots on the northeast side of Royals River, also an equal right to Lot N<sup>o</sup> 37 in range D in the same proportion; and said Lots are hereby confirmed to them accordingly.

*Resolved* That Lot N<sup>o</sup> 24 in range B, be and hereby is confirmed to the Heirs and legal Representatives of Thomas Larrabee and Barnabas Winslow their Heirs and assigns in equal shares, also Lot 21 in said range B is hereby also confirmed to the Heirs and assigns of the legal Representatives of the said Thomas Larrabee and Barnabas Winslow in the same proportion.

Legislative Records of the Council, xxix., 304.

Legislative Records of the Council, xxix., 25, 266. House Journal, pp. 45, 72, 77. Province Laws, x., 184, chap. 74.

*Resolved* that the Proprietors Clerk of the Town of North Yarmouth be and he hereby is directed to conform the Records of said propriety agreeable to the above Resolves. [*Passed June 26.*]

## CHAPTER 42.

RESOLVE IMPOWERING ASA HAMANT AND JACOB CLARK, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
306.

House Jour-  
nal, pp. 75, 78,  
79. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Lydia Smith Relict of Nathaniel Smith late of Sturbridge deceased, Noah Allen and Sybil his Wife in respect to her right of dower or thirds in the Estate of her former Husband Elisha Smith late of Medfield deceased; Asa Hamant and Jacob Clark Guardians to Sybil and Olive Smith minors and only surviving Children of Elisha Smith aforesaid Setting forth That the said Nathaniel Smith did in his life time convey by deed a certain Estate to his Son, the said Elisha Smith, which deed of conveyance Lydia his Wife, one of the Petitioners, did not sign and hence claims therein her right of dower or thirds, which she can find no direct method in Law of obtaining That the said Estate consists of many different parcels situate at considerable distance from one another, and that said Estate is very much out of repair and cannot be improved to so much advantage either to those of the Petitioners who have right of dower therein or to the Heirs apparent to said Estate, whom others of the Petitioners represent, as the price thereof might, provided the same was sold and the money secured at Interest. And praying that they may be impowered to make sale of the premises accordingly.

[Read and]

*Resolved* that the prayer of the Petition of Lydia Smith and others be so far granted as that Asa Hamant and Jacob Clark Guardians to the minors mentioned in the Petition be impowered to sell the Real Estate therein set forth for the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the money arising by such sale be put on Interest and the income of one third thereof be allowed and paid to Lydia Smith mentioned in the Petition, and one third of the Interest of the other two thirds be allowed and paid to Sybil the Wife of Noah Allen, as their right of dower in said Estate; and the remainder, together with the said thirds, after the death of the Dowagers, be enjoyed by the minors in the same manner they might have inherited said Real Estate in case the same had not been sold. [*Passed June 27.*]

## CHAPTER 43.

## RESOLVE ADJOURNING COURTS IN PLYMOUTH COUNTY.

WHEREAS the Court of General Sessions of the Peace & Inf<sup>r</sup> Court of Common Pleas which by Law were to be Holden at Plymouth within and for the County of Plymouth on the first Tuesday of July next Cannot be Then Conveniently Held by Reason that Many of the members of this Court which probably will then be Seting are members of said Courtes and by Reason that the measels are Prevalent in Said Plymouth which may be Dangerous to the Parties Concerned It is therefore

*Resolved* that the Said Courtes of General Sessions of the Peace and Inferiour Court of Common Pleas be and Hereby are Adjourned unto the first Tuesday of October next and That all writs Processes and Recognizances Returnable to the Said Court of General Sessions of the Peace and Inf<sup>r</sup> Court of Common Pleas which by Law was appointed to be held at Plymouth for Said County on the Said First Tuesday of July and all matters and things that have day or that might have had day at Said Term Shall be Returnable to and may be Entered Prosecuted had moved and done at in and by the Said Courtes on the first Tuesday of October next and that the Sheriff of the County of Plymouth Shall take Immediate and Effectual Care that this order be forthwith Published and made Known Throughout Said County. [*Passed June 30.*]

Legislative  
Records of the  
Council, xxix.,  
303. Mass.  
Archives,  
lxxxvii., 378.  
House Jour-  
nal, pp. 81,  
82. Province  
Laws, v., 45,  
chap. 18.

## CHAPTER 44.

## RESOLVE GRANTING TO OLIVER PEABODY AND OTHERS A TRACT OF LAND.

A PETITION of Oliver Peabody and John Peabody jun<sup>r</sup> of Andover, John Bodwell and Samuel Bodwell of Methuen Setting forth That there is a Tract of Province Land on Androscoggin River adjoining to the Westerly part of a Township granted to Cap<sup>t</sup> Fuller and others of four miles one way and three miles the other which is so situated as that no Township can be now had there so as to include it. And praying that the same may be granted to them for such Sum of money and upon such conditions as this Court shall order.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioners have liberty to lay out the Land prayed for at the west-erly end of a Township granted to Josiah Richardson Esq<sup>r</sup> and others on both sides of Androscoggin River so far westward as the Land will admit so as not to interfere with any former Grant or with private property, and that they return a plan thereof taken by a Surveyor and Chainmen on Oath to this Court within twelve months from the first day of July 1772 for confirmation and that they also give Bond with sufficient sureties to the Province Treasurer or his successor to settle the same with fifteen Families, each of which within six years from the return of the plan to have built a good House of twenty feet by eighteen and seven feet stud and have cleared for pasturage or tillage, five acres each; that they also out

Legislative  
Records of the  
Council, xxix.,  
309.  
House Jour-  
nal, pp. 62, 74,  
79, 80. *Ante*,  
p. 386, chap. 25.

of the premises grant one hundred acres for the first Ordained Protestant minister, one hundred acres for the ministry and one hundred acres for the use of a School, within said Grant; and further that they give Bond with sufficient sureties to the Treasurer to pay to him or his successor for the use of the Province such a Sum of money as the Land the plan shall contain shall amount to, at the rate of three hundred pounds for a Township of the contents of six miles square within one year from the confirmation of the Grant. [*Passed June 30.*]

## CHAPTER 45.

### RESOLVE IMPOWERING DANIEL GRAY TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
310.

House Jour-  
nal, pp. 72, 79.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 589,  
chap. 121.

A PETITION of Daniel Gray in behalf of his Son Lamond Gray Setting forth That Robert Lamond late of Spencer in the County of Worcester Husbandman deceased, by Will, gave unto his Father and mother his Real Estate in Spencer to improve during their natural lives, and at their decease ordered the same to be sold and the proceeds equally divided among the persons following viz<sup>t</sup> Archibald Lamond, John Harman, Robert Furbush and the said Lamond Gray That the Father of the said Robert Lamond is since dead and that his mother Margaret Lamond is still living That the aforementioned Archibald Lamond, John Harman and Robert Furbush are of full age and have sold their shares of said deceaseds Real Estate That the Rent of the Estate aforesaid is insufficient for the support of the said Margaret, and that if the whole was sold and the Interest of the proceeds applied for her support, it would be for her advantage, as also for the advantage of said minor. And praying that he may be impowered to make sale of his said Sons part in the premises.

Read and

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and hereby is authorized & impowered to make sale of the Land mentioned in the petition for the most the same will fetch, and make and execute a good deed or deeds of the same; observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving caution to the Judge of Probate for the County of Worcester that the money arising by said sale be pnt to Interest for the following purposes viz<sup>t</sup> the Interest thereof to be applied to and for the use of the said Margaret Lamond during her natural life and after her decease said money to be paid to said Lamond Gray. [*Passed June 30.*]

## CHAPTER 46.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative  
Records of the  
Council, xxix.,  
312.

House Jour-  
nal, pp. 17, 24,  
74.

THE ACCOUNT of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the accounts of the Treasurer for the County of Middlesex that all the monies granted and

allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed July 1.*]

## CHAPTER 47.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

THE ACCOUNT of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the accounts of the Treasurer for the County of Suffolk that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1771 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed July 1.*]

Legislative  
Records of the  
Council, xxix.,  
312.

House Jour-  
nal, pp. 17, 24,  
54, 78.

## CHAPTER 48.

### RESOLVE ORDERING THE TOWN OF CHESTERFIELD NOT TO LEVY TAXES ON NONRESIDENT PROPRIETORS.

THE COMMITTEE appointed on the Petition of Martin Phelps, Samuel Mather and others nonresident Proprietors of Chesterfield, made report, whereupon the following Order passed viz<sup>t</sup>

Whereas the Town of Chesterfield when Incorporated had a power to raise Taxes within said Town for settling a minister, building a meeting house clearing and repairing Roads and to levy the same upon the several Proprietors of said plantation according to their several interests until the further order of this Court: and it appearing to this Court that said power has had its operation so far as is just and reasonable, therefore

*Resolved* that the said Town of Chesterfield be and they hereby are ordered not to raise or levy any Taxes on any of the nonresident Proprietors of said Chesterfield (for the ends and uses aforesaid) for the future. [*Passed July 2.*]

Legislative  
Records of the  
Council, xxix.,  
313.

Legislative  
Records of the  
Council, xxix.,  
213. House  
Journal, p. 63.  
Province  
Laws, iv., 573,  
chap. 4.

## CHAPTER 49.

### RESOLVE IMPOWERING BENJ<sup>A</sup> GUILD, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Guild Guardian of Mary Metcalf a non compos person Setting forth That Timothy Metcalf late of Wrentham deceased, by his Will, devised to his Wife Mary and daughter Mary abovementioned, his Estate Real and personal to hold during their natural lives and at their decease to his Children, Sarah Fair-

Legislative  
Records of the  
Council, xxix.,  
316.

House Jour-  
nal, pp. 73, 77,  
78. Province



Laws, ii., 151,  
chap. 10.

banks, Susanna Dagget & Martha Metcalf and Grandchildren Timothy, John and Mary Whiting minors That the said Mary the Wife of the Testator is now dead, and the said Mary his daughter is not able, or ever like to be, to take the care of her person or Estate That it would be greatly for the interest of the said noncompos, as well as the interest of those who are intitled to the said Real Estate at her death, if the same might be sold; as the Buildings and Fences are gone to decay and the Personal Estate of the deceased is not more than sufficient to pay his just debts. And praying that he may be impowered to make sale of the Real Estate aforesaid the better to enable him to support the said noncompos, and for the benefit of the Heirs.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the said Benjamin Guild Guardian to the said Mary Metcalf mentioned in said Petition be and hereby is impowered in his said capacity to make sale of the Estate in said Petition mentioned for the most the same will fetch, and make and execute a good deed or deeds of the same, observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving caution to the Judge of Probate for the County of Suffolk that the money arising by said sale be put at Interest for the following purposes, to wit, that the Interest of said money or so much thereof as shall be necessary for the support of the said Mary Metcalf be applied to that purpose during her natural life, and after her decease the whole to revert to the Heirs of the said Timothy Metcalf deceased to be divided in the same proportion as if the said Estate had remained unsold. [*Passed July 2.*]

## CHAPTER 50.

### ORDER APPOINTING A COMMITTEE FOR RUNNING THE OLD COLONY LINE.

Legislative  
Records of the  
Council, xxix.,  
319.

Legislative  
Records of the  
Council, xxix.,  
298, 316, 320.  
House Jour-  
nal, pp. 72, 94,  
95. Province  
Laws, v., 273,  
note; x., 692,  
chap. 319; xlv.,  
149, chap. 21.

THE COMMITTEE appointed to consider the Petition of Jonathan Randall and others and the Petition of Jonathan Thayer and others [in regard to running the old Colony line], have attended the service and fully heard the parties and are of opinion that a Committee with a skilful Surveyor be appointed to repair to Bridgewater and run the Line of New Plymouth Colony, so called, from Accord Pond to Angle Tree; and that said Committee notify all persons whose interest may be affected by the running of said line, by giving notice of the time and place of their meeting for that purpose in two of the Boston News papers three Weeks successively, at least one month before the time of their meeting, and that said Committee make report of their doings thereon to this Court on the second Wednesday of the next sitting of the same. And that all Law suits commenced and now depending by reason of the uncertainty of said line be staid in the mean time. All which is humbly submitted

ARTEMAS WARD & Order

In Council, Read and accepted and thereupon

*Ordered* that Artemas Ward Esq<sup>r</sup> with such as the hon<sup>ble</sup> House shall join be a Committee for the purposes therein mentioned, to make report of their proceedings to this Court on the second Wednesday of the next Session for their consideration; and that



all Law suits commenced and now depending by reason of the uncertainty of said line be staid in the mean time.

In the House of Representatives, Read and Concurred and Col<sup>o</sup> Whitcomb and Maj<sup>r</sup> Fuller are joined.

In Council.

*Ordered* that John Child jun<sup>r</sup> of Holden, and in case he cannot attend then Daniel Clap of Rutland be the Surveyor for the purpose abovementioned. In the House of Representatives, Read and Concurred. [*Passed July 7.*]

## CHAPTER 51.

ORDER WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF WILLIAM HICKLING AND JOSEPH GREEN FOR REVIEW OF AN ACTION.

A PETITION of William Hickling and Joseph Green of Boston Setting forth That William Holland of Falmouth in the County of Cumberland mariner having commenced an action of defamation against Thomas Hickling of Boston merchant, the said Thomas was arrested and the Petitioners were Bail for his appearance at Court and abiding final Judgment That the said Thomas being under engagements, previous to the commencement of the said action, to transact some business of importance, did sail for Portugal in expectation of returning early enough to make his defence at the Superior Court, to which the said action was carried up by demurrer, but being detained in Portugal longer than was expected, could not attend said Court nor furnish his attorneys with the necessary papers for his defence, in consequence of which a Verdict was obtained against him for £450 and Costs, and Execution issued and returned in no part satisfied That on the 25 day of May last Writs of Scire facias were served on the Petitioners; that Writs of Review were purchased in time, to be served for the Superior Court now sitting at Falmouth, and sent forward for that purpose, but the person by whom they were sent, by accident lost the same; that before he could return to Boston and from thence to Falmouth again the time of service would elapse That the Petitioners did attend the said Superior Court and pray a continuance of the action on the Scire facias till Judgment was given on the Review, which was refused by two of the three Judges then present, so that Execution must issue against them for the aforementioned Sum and Costs, unless suspended by this Court. That the Petitioners are in daily expectation of the return of the said Thomas, when many circumstances will be produced on the Review greatly to mitigate the damage if not wholly to reverse the Judgment. And, as it does not appear that the said Holland is of sufficient ability to refund what may be abated on a Review, Praying that Execution on the Scire facias may be suspended until a Review can be prosecuted, at the next Superior Court, and Judgment obtained thereon.

[Read and]

*Ordered* that the Petitioners notify the adverse party William Holland by serving him with an attested Copy of this Petition and order twenty days before the second Wednesday of the next Session of the General Court that he may shew cause, if any he has, on the said second Wednesday why the prayer of their Petition should not

Legislative  
Records of the  
Council, xxix.,  
321.

House Jour-  
nal, pp. 93,  
96 bis.

be granted, and that Execution be staid in the mean time, provided the Petitioners give security for the payment of such monies as may be recovered upon the Review, with Interest. [*Passed July 8.*]

## CHAPTER 52.

### RESOLVE IMPOWERING NOAH CLAP, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
323.

House Jour-  
nal, pp. 36, 57.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 553,  
chap. 54.

A PETITION of Noah Clap Guardian to four of the Children of Benjamin Everenden late of Dorchester Clothier deceased Setting forth That two of the said Children are not yet put out, and that the income of their part of their said Fathers Estate, and also their part of a small piece of Land already sold by order of this Court, is insufficient to refund what he has expended for their support, by the sum of twelve or thirteen pounds That there is a piece of Woodland in Stoughton containing fifty or sixty acres lying in common belonging to the said Children which bringeth in nothing. And praying that he may be impowered to make sale of the said piece of Woodland for the support of the two youngest, and for the benefit of the two eldest, of the said Children.

[Read and]

*Resolved* that the prayer be granted, and that the Petitioner be and he is hereby impowered to sell the piece of Land in the Petition mentioned for the most the same will fetch and make and execute a good and sufficient deed or deeds of the same, he observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that he will apply the proceeds of said sale for the benefit of the Heirs to the Land in the Petition mentioned in such manner as the said Judge of Probate shall direct. and duly account for the same. [*Passed July 8.*]

## CHAPTER 53.

### RESOLVE IMPOWERING THE JUSTICES OF THE INFERIOR COURT AT GREAT BARRINGTON TO RECOMMIT A CASE TO REFEREES.

Legislative  
Records of the  
Council, xxix.,  
324.

Legislative  
Records of the  
Council, xxix.,  
130, 251. House  
Journal, p. 35  
(June 10,  
1771); p. 25, 57,  
89, 98.

THE COMMITTEE appointed the 5 day of June last on the Petition of John Chamberlain [for the rehearing of an action], made report; upon which the following order passed viz<sup>t</sup>

*Resolved* that the prayer of the said Petition be so far granted as that the Judgment given by the Justices of the Inferior Court holden at Pittsfield on the last Tuesday of February AD 1771 against the said John Chamberlain in favor of Daniel Rowley be superceded and declared null and void, and that the said Justices at the next Term for holding the said Court at Great Barrington for the County of Berkshire on the third Tuesday of August next be and they are hereby impowered and directed to recommit the same case to the former Referrees, namely, Timothy Woodbridge and David Ingersoll jun<sup>r</sup> Esq<sup>r</sup>s and Jonathan Devereux, and that the said Referrees be enabled to reconsider the said Case and report their opinion thereon

at the then next Session of the said Court. And such report being made, that the Justices of the said Court be authorized to receive the same and to make up Judgment accordingly. [*Passed July 9.*]

## CHAPTER 54.

### RESOLVE APPOINTING A COMMITTEE ON THE PETITION OF JOHN ERVING, ESQ., IN REGARD TO A BOUNDARY LINE.

A PETITION of John Erving Esq' of Boston Setting forth That in the year 1751 he purchased of the Province two thousand acres of Land lying on the East side of Connecticut River and northerly on Millers River and had a deed of the same, the consideration being one hundred and fifty pounds lawful money. That, then unknown both to Grantor and Grantee, some of the purchased Lands were before granted to the Proprietors of New Salem and to Jonathan Fairbanks and Sons, which reduces his Grant, which he dearly purchased, to seven hundred and seventy three acres only. And praying that the bounds between the Petitioner and the above Grantees may be ascertained, whereby this Court may be enabled more satisfactorily to determine what equivalent to make him for the said loss and that an equitable allowance may be made him therefor.

[Read and]

*Resolved* that the prayer of the Petition be so far granted that Mr Hinsdale, Mr Pierce and Cap' Doolittle be a Committee to repair at the request and expence of the Petitioner to the Lands in the Petition mentioned and determine the line between the Grant of Lands made to New Salem and the Lands granted to the Petitioner as set forth in the Petition, and ascertain the number of acres in the last mentioned Grant and return a plan of the same taken by a Surveyor and Chainmen under Oath to the General Court at their next Session. Provided that if upon the said Committees runing and ascertaining said Line it shall appear that the Petitioner hath not the whole of the Land granted him by his deed refer'd to in his Petition, that then the expence of said Committee and the Surveying be refunded to him out of the Province Treasury. [*Passed July 9.*]

Legislative  
Records of the  
Council, xxix,  
325.

House Journal,  
pp. 85, 97.  
Province  
Laws, xliii., 330,  
chap. 240; xiv.,  
574, chap. 92;  
603, chap. 170.

## CHAPTER 55.

### RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF WILL<sup>M</sup> HIGHT FOR THE REVIEW OF AN ACTION.

A PETITION of William Hight of Berwick in the County of York merchant Setting forth That at the Inferior Court held at York in and for the said County on the second Tuesday of April 1771 Joshua Andros of said Berwick Yeoman commenced an action of Trover against him for two mast trees, therein alledging that the Petitioner converted the same Trees to his own use That the Petitioner in order to defend himself, applied to John Sullivan Esq' of Durham in the Province of Newhamphshire, as an attorney to conduct the cause in his behalf, who pleaded in bar to said action a Statute of this Province passed the fourteenth year of George the

Legislative  
Records of the  
Council, xxix.,  
329.

House Journal,  
pp. 94, 98,  
100. Province  
Laws, li., 1020,  
chap. 4; v.,  
103, chap. 9.

second, which limited the time for bringing such actions to three years from the cause of action, and by the declaration of said Andros it appeared that the cause of action was near five years before the bringing of the action; to which plea the Counsel for the said Andros demurred and produced a late Law of the Province which repealed the said Statute and gave a further time for bringing such actions That upon Trial of the action at the last Superior Court in the said County the said plea in bar was judged insufficient and a Jury impanelled to enquire of the damages, who found against the Petitioner twenty five pounds damage and costs of Court, which he apprehends to be intirely owing to the plea aforesaid, which prevented him from trying the merits of the action, as he could prove upon the merits that he was not guilty of the charge in the declaration and, as his attorney lives out of the Province and was intirely ignorant of the aforesaid repeal, Praying that he may be impowered to bring forward a Review of the said action and have liberty to plead the general issue and try the merits of the Cause, and that Execution may be staid in the mean time.

[Read and]

*Resolved* that the prayer of the Petitioner be so far granted as that the Petitioner notify the adverse party by serving him with an attested Copy of this Petition and this order thereon, at least ten days before the next sitting of the General Court to shew cause, if any he have, on the second Tuesday of said Session why the prayer of the Petition may not be granted, and also that Execution be staid in the mean time, provided that the petitioner give security to the Sheriff of the County of York to pay what may finally be recovered with costs and Interest. [*Passed July 9.*]

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## CHAPTER 56.

RESOLVE WITH ORDER OF NOTICE AND STAY OF EXECUTION ON THE PETITION OF JAMES OTIS, ESQ<sup>r</sup>, TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xxix.,  
330.

House Jour-  
nal, p. 94.

A PETITION of James Otis Esq<sup>r</sup> Praying that liberty may be granted him to bring a Writ of Review at the next Superior Court to be held at Barnstable of a certain action brought against him by Prince Barker of Pembroke, wherein Judgment was obtained against him by default for £6.0.6 and about fourteen pounds costs at the last Superior Court held at Barnstable, and that Execution may be staid in the mean time; the Petitioner setting forth that the said Superior Court was held, by adjournment, the Tuesday before the Election when it was impracticable for him to attend his cause at the said Court and his duty, as one of his majesty's Council, at the election that he presented a Petition to the Judges of the said Court praying that the said cause might be continued, but the major part of the Court present, over ruled the matter that he had no attorney at said Court and was, otherwise, unprepared for Trial.

[Read and]

*Resolved* that the prayer of the Petition be so far granted as that the Petitioner notify the adverse party by serving him with a Copy of this Petition at least ten days before the next sitting of the General Court, to shew cause, if any he have, on the second Tuesday of the next Session of said Court why the prayer of said Petition should

not be granted, and that Execution be staid in the mean time; provided the Petitioner give security to the Sheriff of the County of Barnstable to pay what may be finally recovered with Interest in the mean time. [*Passed July 9.*]

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## CHAPTER 57.

RESOLVE IMPOWERING WM RAND AND OTHERS, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of William Rand, Charles Turner and William Drew Executors of the last Will and Testament of William Rand jun<sup>r</sup> late of Kingston in the County of Plymouth merchant deceased, and of William Rand as Guardian in said Will named to William Rand jun<sup>r</sup>, and William Cooper Guardian in said Will named to Lucy Rand, both minors and the only Children of the said William Rand jun<sup>r</sup> deceased Setting forth That the said deceased died siezed and possessed of a House and Barn and a large Shop with about three quarters of an acre of Land in said Kingston which, with other Estate, he devised unto the aforementioned Children in equal shares and portions That said House and Buildings being old and decayed cannot be repaired without great expence, and even then the Rent and Income of the premises would no ways equal the Interest that would arise upon the sum they may now be sold for. And praying that the Executors aforesaid may be impowered in that capacity to make sale of the said Land and Buildings for the benefit of the said minors.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Executors therein named be impowered to sell the Real Estate in the Petition prayed for, and make and execute a good and sufficient deed or deeds in Law to the purchaser or purchasers, they observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Plymouth that the proceeds of said sale be paid one moiety thereof to the Guardian of Lucy Rand, and the other moiety to the Guardian of William Rand jun<sup>r</sup> the minors in the Petition mentioned, to be put on Interest for the benefit of said minors, and that the same be paid to and enjoyed by said minors at such time as they respectively might have inherited said Real Estate in case the same had not been sold. [*Passed July 10.*]

Legislative  
Records of the  
Council, xxix.,  
331.

House Jour-  
nal, pp. 98, 101.  
Province  
Laws, li., 151,  
chap. 10.

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## CHAPTER 58.

RESOLVE ALLOWING £80 ANNUALLY FOR THREE YEARS FOR PROVIDING A MISSIONARY FOR THE EASTERN PARTS OF THE PROVINCE.

WHEREAS application has been made to this court by the associated Ministers in the county of York, by their memorial setting forth that many of the New Settlements in the Eastern Parts of this Province are without the Preaching of the Gospel; and that

Legislative  
Records of the  
Council, xxix.,  
332. Mass.  
Archives, xiv.,  
663.



Mass.  
Archives, xiv.,  
561. House  
Journal, pp. 14,  
95, 99, 100.

they are unable to support the same; and praying that one or more Missionaries may be provided, at the Expence of this Province. for the Instruction of those destitute People And it appearing that good & valuable Purposes may be answered by making Provision for the Same. Therefore

*Resolved*, that there be allowed and paid out of the Publick Treasury in the month of October annually for three years next ensuing the first Day of September Next a sum not exceeding the sum of Eighty pounds to the Trustees herein after named, to be by them applied for supporting one missionary of sober life & conversation for promoting christian Knowledge in the Eastern parts of this Province in such Places as are destitute of the Preaching of the Gospel, and are unable to support the same among themselves, such Missionary to officiate at such Places as he shall from time to time be directed by said Trustees Provided said Trustees shall annually at the end of each year account to this court for the Sum or Sums by them expended in support of said Mission

*Resolved* also that the Rev<sup>d</sup> Benjamin Stevens of Kittery & the Rev<sup>d</sup> Isaac Lyman and the rev<sup>d</sup> Samuel Lancton of York be the Trustees for the purposes abovementioned and that they or either Two of them be empowered to recieve the above grants, & to appoint the Missionary as above & him dismiss and another appoint in his Room as to them shall seem fit. [*Passed July 10.*]

## CHAPTER 59.

### RESOLVE ALLOWING £13. 14. 10 TO HEZEKIAH HALL.

Legislative  
Records of the  
Council, xxix.,  
332.

House Journal, pp. 82, 83,  
84, 100, 101.  
Province  
Laws, xvi., 491,  
chap. 329; 670,  
chap. 227.

A PETITION of Hezekiah Hall of Tyringham in the County of Berkshire Setting forth That in the year 1759 he, being an Inhabitant of Uxbridge in the County of Worcester, was chosen a Constable for said Town and had committed to him to collect the sum of fifty seven pounds, three shillings and nine pence assessed on the people called Quakers in the north part of said Town for their quota of the expence in raising men for the War, but that an order afterwards passed the General Court restraining him from making distress on said Quakers for their said quota, until the further order of said Court That whilst he was under the said restraint, two of the said Quakers sold their possessions and removed out of the Government, whereby he was unable to recover their Rates, amounting to the sum of £8.17.8 That he paid the whole sum committed to him to collect, into the Province Treasury: and praying an allowance for his loss aforementioned.

[Read and]

*Resolved* that there be granted and allowed to Hezekiah Hall out of the Province Treasury the sum of thirteen pounds, fourteen shillings and ten pence, being the principal and Interest of eight pounds seventeen shillings and eight pence, paid by the petitioner in the year 1763 on account of a Tax assessed on John Eliot and David Eliot in the year 1759 who have hitherto avoided payment by going out of the Province in the year 1760 and so continuing from that time 'til now; the said Petitioner being restrained from collecting the Tax assessed on them by an order of the General Court agreeable to what is set forth in the Petition; provided nevertheless that if



the said John and David shall return into this Province, the Petitioner is hereby directed to use his best endeavours to collect the abovesaid Tax, and when collected to pay the same immediately into the Province Treasury. [*Passed July 10.*]

## CHAPTER 60.

### RESOLVE APPOINTING A COMMITTEE TO EXAMINE THE BOUNDARY LINES OF A TOWNSHIP GRANTED JOHN MURRAY AND OTHERS.

A PETITION of John Murray Esq<sup>r</sup> in behalf of himself & Nathan Jones and others, the purchasers of a Township called East Hoosuck in the County of Berkshire Setting forth That in June 1762 the said Nathan purchased of the Province the said Township, which was to be of the contents of six miles square, exclusive of former Grants, for which he gave three thousand two hundred pounds That on the 16<sup>th</sup> day of February 1750 the General Court granted to Ephraim Williams Esq<sup>r</sup> one hundred and ninety acres of the best Land and in the body of said Township, on condition that he should erect and finish for service, a good Grist mill and Saw mill on the north branch of Hoosuck River and keep the same in repair twenty years after they were built, and open a Road two rods wide on the northerly side of Fort Massachusetts leading towards Albany, which conditions were never fulfilled; notwithstanding which, said Land was sold by said Williams for near a thousand pounds lawful money That what induced them to give such an extraordinary price for the said Township was a full confidence that they should have the quantity of six miles square and have a Grist mill and Saw mill kept in repair eight years after their purchase, which they are likely to lose the benefit of without the aid of this Court. And praying that a Committee may be appointed to run out the westerly line of said Township (which never has yet been run) view the said Township and report what allowance shall be made to the purchasers under the disadvantages aforesaid.

In the House of Representatives.

[Read and]

*Resolved* that the prayer of [this] Petition be so far granted that a Committee of this House be appointed to repair to the Township sold to Nathan Jones and others Anno Domini 1762 and run the westerly line of said Township and any other lines that may be thought doubtful and make report of their doings at the next sitting of the General Court, provided the petitioner desire the same, and shall engage to pay the expence thereof in case it shall appear that said Township is of the full contents of six miles square, exclusive of former Grants; provided also that if it shall appear upon running the Lines that there is more than the contents of six miles square the overplus shall be returned to the Province, and M<sup>r</sup> Bigelow of Worcester M<sup>r</sup> Ingersoll and Col<sup>o</sup> Day are appointed a Committee accordingly.

In Council, Read and Concurred. [*Passed July 11.*]

Legislative  
Records of the  
Council, xxix.,  
335.

House Jour-  
nal, pp. 86, 87,  
99, 108, 109.  
Province  
Laws, xiv., 497,  
chap. 224; 671,  
chap. 108;  
xvii., 242, chap.  
50.

## CHAPTER 61.

## RESOLVE ALLOWING £6 TO WM THAYER.

Legislative  
Records of the  
Council, xxix.,  
336. Mass.  
Archives,  
lxxx., 704.

Mass.  
Archives,  
lxxx., 703.  
House Jour-  
nal, pp. 108, 109.  
Province  
Laws, xvii.,  
245, chap. 54;  
450, chap. 168.

A PETITION of William Thayer Setting forth That he lost one of his legs in the service of the Province the last War and also lost his health so that he has been obliged to be under the hands of Physicians & Surgeons, at times, for sixteen years past, which have cost him above one hundred pounds lawful money, beside the expence of other attendance and his loss of time. And, after acknowledging with gratitude the Grants heretofore made him, Praying further relief.

[Read and]

*Resolved* that there be paid out of the Publick Tresurer of this Province Six pounds to the within petitioner to Inable him to Pay the Surgeons &c as set forth in the petition. [*Passed July 11.*]

## CHAPTER 62.

## RESOLVE IMPOWERING LYDIA WARE TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
339.

House Jour-  
nal, pp. 58, 64,  
65. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Lydia Ware Widow of William Ware late of Dighton deceased Setting forth That her late Husband was a proprietor in the Lands granted to Gallop and others and has left three minor Children and, as the Lands are now to be allotted amongst the proprietors and she is unable to pay towards the charge thereof, Praying that she may be impowered to dispose of the premises for the benefit of the said Children.

[Read and]

*Resolved* on the Petition of Lydia Ware that the prayer thereof be granted, and that the Petitioner be and she accordingly is hereby is<sup>1</sup> impowered to sell the right of her late Husband in the Lands granted as in the petition mentioned, for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof to the purchaser or purchasers, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Bristol that the proceeds of said sale be applied as followeth viz<sup>t</sup> one third of the money be put on Interest and the Petitioner be allowed said Interest in lieu of her dower in said Lands during her natural life, and that the other two thirds be put on Interest for the benefit of the Children, the Income to be allowed them annually for their support; also that said two thirds, together with the first mentioned third after the Widows decease be paid to and enjoyed by the Children when they shall arrive to full age or be married, if daughters, in the same proportion they might have inherited said Real Estate in case the same had not been sold. [*Passed July 13.*]

<sup>1</sup> Sic.

## CHAPTER 63.

ORDERS AND RESOLVES IMPOWERING JOHN BILLING TO APPLY FOR  
INCREASED DAMAGES FOR LAYING A ROAD.

A PETITION of John Billing of Amherst in the County of Hampshire Setting forth That in May, the last year, a County Road was (by order of the Court of General Sessions of the peace for the said County) laid from Beleherstown to said Amherst That in laying out the same the Committee appointed for that purpose laid the same two rods in width and the length of two hundred and six rods and seventeen links through the Petitioners valuable improved Land in said Amherst, which being reported by said Committee on the third Tuesday of May 1771 was by the said Court accepted and established That the said Committee estimated the damages the Petitioner sustained by laying the same Road through his Land at four pounds, and no more, which sum he then did and still does, consider as a very inadequate reward for his damages thereby occasioned, as he will be obliged by reason thereof, if continued, to maintain as well as make more than 400 rods of fence, and much of it at a great expence besides the loss of his Land That he did not apply at the Term next after the acceptance of the said Report for a Jury to alter the same or encrease the damages adjudged him by the said Committee (which by Law he ought to have done to intitle him to a Jury) by reason of his being informed and believing that twelve months were by Law allowed for that purpose, and also because the Selectmen of said Amherst at that Term preferred a Petition to the same Court for an alteration in the same Road, which if granted would intirely remove it from the Petitioners Land. And praying that he may be allowed the benefit of a Jury, his omission notwithstanding.

[Read and]

*Ordered and*

*Resolved* that he have liberty to make his application unto the Court of General Sessions of the peace to be held at Springfield within and for the County of Hampshire on the last Tuesday of August next praying that the said Court would enquire by a Jury of good and lawful men both of the necessity of the Way mentioned in the said Petition and of the estimate of the damages occasioned to him the said Billing by the said Way made by the Committee who laid out the same, and it is also

*Ordered and*

*Resolved* That, upon such application being made to the said Court by the said Billing it shall and may be lawful for the said Court and they are hereby empowered to proceed, order and award relative to and touching the said Way and damages occasioned thereby to the said Billing in all respects in the same manner as by Law they could might and ought to have done in case the said Billing had made such application to the said Court at the Session thereof next after the Session at which the Committee who laid out the said Way made their return or report thereof to the said Court, the time by Law limited for making such application being now passed notwithstanding. [*Passed July 13.*]

Legislative  
Records of the  
Council, xxix.,  
340.House Jour-  
nal, pp. 38, 117.

## CHAPTER 64.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BERKSHIRE COUNTY.

Legislative  
Records of the  
Council, xxix.,  
343.

House Jour-  
nal, pp. 17, 24,  
48, 74, 85, 119.

THE ACCOUNTS of Mark Hopkins Esq<sup>r</sup> Treasurer of the County of Berkshire being laid before the Court for allowance, the following order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the accounts of the Treasurer for the County of Berkshire that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the years 1767 and 1768 and 1769 and for the year 1770 were for such purposes and appropriations as the Law impowered said Court to grant. Therefore

*Resolved* that said accounts be allowed, the said Treasurers omission of presenting the said accounts to the General assembly for allowance at the respective times by Law prescribed notwithstanding, as this Court is satisfied that such omission in the said Treasurer, and the Justices of the Sessions proceeding to Grant monies for defreying the charges of the said County before the allowance of their grants by the General Court, were not in contempt. [*Passed July 14.*]

## CHAPTER 65.

## RESOLVE TERMINATING THE POWER GRANTED TO THE TOWN OF BECKET TO LEVY CERTAIN TAXES.

Legislative  
Records of the  
Council, xxix.,  
344. Mass.  
Archives,  
cxviii., 587.

Mass.  
Archives,  
cxviii., 586.  
House Jour-  
nal, pp. 68, 77.  
Province  
Laws, iv., 817,  
chap. 17.

WHEREAS By the Act for the Incorporation of the Town of Becket it is among other things Enacted that all Taxes which shall be Raised within Said Town for Settling a Minister building a meeting House and Repairing of Roads be levied on the Several Proprietors of that Plantation according to their Interest until the further order of the Gen<sup>l</sup> Court. And it now appearing that the Clause in the act before Recited has had its operation So far as is Just and Reasonable

Therefore

*Resolved* that all power Granted to the Said Town of Becket by the Said Clause in the act before mentioned (and so far as that extends only) Do for the future wholly surcease and Determine and that no more money be Raised on the proprietors in manner as before mentioned. [*Passed July 14.*]

## CHAPTER 66.

## RESOLVE IMPOWERING JONAS AND MARY OBSCO, INDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
344. Mass.  
Archives,  
xxxiii., 560.

A PETITION of Jonas Obsco and Mary Obsco of Natick Indians Setting forth That they have for several years past been exercised with Sickness in their Family, of which several of their Children have died, which has occasioned their being in debt to Physicians and

others who relieved them in times of their affliction. That they have a lot of Land at the west part of Natick four miles distant from their homelot and four miles from the meeting house containing thirty seven acres. And praying that they may be impowered to make sale of the whole or part thereof to enable them to pay the said debts and for their future support.

[Read and]

*Resolved* that the Prayer of the foregoing Petition be Granted and the petitioners are hereby Impowered to Sell the Tract of Land in their petition Mentioned under the Inspection and Direction of the Guardians for the natick Indians and make and Execute a good Deed thereof to the purchaser or purchasers provided the proceeds of Said sale be applied as followeth viz that the Said Guardians take the Same and pay Such Debts of the petitioners as to them Shall appear to be Just and that the Remainder of the proceeds of Such sale Shall Remain in the hands of Said Guardians and be by them applied for the necessary Support of the petitioners and what of the Same shall Remain (if any) unapplied as afores<sup>d</sup> During the lives of the Petitioners the Said Guardians shall be accountable for.

[*Passed July 14.*

Mass.  
Archives,  
xxxiii., 559.  
House Jour-  
nal, pp. 22, 60,  
*Ante*, p. 572,  
chap. 78.

## CHAPTER 67.

RESOLVE ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT  
OF THE PROVINCE TREASURER FROM MAY 29, 1771, TO MAY 29, 1772,  
AND DISCHARGING HIM OF £102,436. 8. 7.

THE COMMITTEE to whom was referred the examination of the accounts of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his majesty's Revenues within the Province of the Massachusetts Bay in New England begining the 29 May 1771 and ending the 29 May 1772 having attended that service and upon examining the same find them right cast and well vouched, by which it appears that the said accomptant charges himself with the sum of sixty one thousand seven hundred and fifty three pounds, thirteen shillings and five pence being so much due for Taxes as represented by his last years accounts. Also with the sum of sixteen thousand five hundred seventy nine pounds, eleven shillings and five pence being the balance of his last accounts. Also with the sum of seventy five thousand and ninety one pounds borrowed of sundry persons for which gave notes payable in June 1772, 1773 and 1774. Also with the sum of twenty seven thousand three hundred pounds being a Tax laid upon Polls and Estates by virtue of an act passed the General Court at their Sessions in October 1770, also with the sum of nine hundred fifty two pounds, twelve shillings and four pence received of sundry persons for Lands. Also with the sum of forty one pounds, nine shillings and four pence received of sundry Justices for Fines. Also with the sum of five hundred and two pounds, two shillings and nine pence received of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> for Impost duties; all which sums amount to one hundred and eighty two thousand, two hundred and twenty pounds, nine shillings and three pence. The Committee further find that the said accomptant discharges himself by sundry payments and disbursements by order of the Governor & Council, amounting to twelve thousand three hundred and one pounds, seventeen shillings and seven pence. Also by

Legislative  
Records of the  
Council, xxix.,  
348.

Legislative  
Records of the  
Council, xxix.,  
271. House  
Journal, pp. 47,  
71, 123, 124.



Government securities burnt by a Committee of both Houses amounting to eighty nine thousand three hundred and four pounds ten shillings. Also by one years Interest paid on Government securities amounting to eight hundred and thirty pounds, one shilling. Also by Taxes due from the several Towns outstanding amounting to sixty seven thousand one hundred and eighteen pounds, sixteen shillings and nine pence. Also by balance in hand further to account for twelve thousand, six hundred, sixty five pounds three shillings and eleven pence, all which Sums amount to one hundred eighty two thousand, two hundred and twenty pounds, nine shillings & three pence.

[Read and]

*Resolved* that the foregoing account being right cast and well vouched be allowed, and that the Treasurer be discharged of the foregoing payments amounting to the sum of one hundred and two thousand four hundred and thirty six pounds, eight shillings and seven pence and that he be accountable for the sum of sixty seven thousand one hundred & eighteen pounds, sixteen shillings and nine pence being outstanding Taxes, when received into the Treasury, and for the balance in hand being twelve thousand, six hundred and sixty five pounds, three shillings and eleven pence. [*Passed July 14.*]

## CHAPTER 68.

### RESOLVE STAYING PROCEEDINGS IN REGARD TO ASHFIELD.

Legislative  
Records of the  
Council, xxix.,  
352.

Legislative  
Records of the  
Council, xxix.,  
47 *bis*, 80, 202,  
254, 283, 297.

House Jour-  
nal, p. 125.  
Province  
Laws, v., 278-9;  
331, chap. 24;  
371-3, notes.  
*Ante*, p. 496,  
chap. 62.

WHEREAS there is a Bill now depending in this Court (but for want of time not likely to be enacted in this Session) for establishing and confirming making effectual and valid the sales of Land in the Township of Ashfield in the County of Hampshire which were made in the years 1763, 1764, 1765 for the levying of Taxes which had been granted by the Proprietors of the said Township and assessed by the assessors appointed by the said Proprietors, and for quieting the possessions of such Persons who hold Lands there under the said sales, notwithstanding there were some circumstantial and immaterial variations in the proceedings of the said assessors previous to & in making the said sales from the forms and methods prescribed in the act or Law according to which the said assessors endeavoured to proceed in making the same, not to any real hurt or damage of such Proprietors whose Lands were then sold for the purpose aforesaid. And whereas some actions in Law have been already brought and are now depending and others may possibly be brought by such persons as were the owners of the Land sold as aforesaid before and until the making the sales aforesaid or their Heirs to the great injury, wrong and disquiet of such persons who honestly purchased the same, their Heirs or assigns. It is therefore

*Ordered* and

*Resolved* that all such actions as are now depending and all such actions as may be hereafter brought or entered in any Court for the recovery of such Lands by reason of any imperfections in the said sales or damages on account of such imperfections shall be staid and that no further proceedings shall be had on such actions as are now depending than have been already had but what are necessary for the continuance and sustaining the same in the state they are now



in, nor on such as may be hereafter brought or entered before the<sup>1</sup> another Session of the Great and General Court or assembly but only to continue and sustain the same when entered until the end of the next Session of a Great and General Court or assembly of this Province, and that all the Executive Courts of this Province are hereby ordered and enjoined to take notice and conform to this order. [*Passed July 14.*]

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## CHAPTER 69.

RESOLVE DIRECTING THE COMMITTEE APPOINTED TO ASCERTAIN THE BOUNDARY LINE OF LANDS PURCHASED BY JOHN ERVING, AND TO ASCERTAIN THE QUANTITY OF LAND CONTAINED IN THE PLAT.

*Resolved* that the Committee appointed on the Petition of the hon<sup>ble</sup> John Erving Esq<sup>r</sup> who are directed in the recess of the Court to repair to the Lands purchased by said Erving of the Province in the year 1751 lying on the east side of Connecticut River and bounding northerly on Millers River and Southerly on New Salem Grant who are directed to determine the line between the aforesaid Grants are hereby directed to measure and ascertain the quantity of Land contained in the plat of the aforesaid Grant to New Salem as accepted by the Great and General Court on February 22<sup>d</sup> 1743 and report to this Court at their next Sessions. [*Passed July 14.*]

Legislative  
Records of the  
Council, xxix.,  
353.

House Jour-  
nal, p. 126.  
Province  
Laws, xlii., 330,  
chap. 240.  
*Ante*, p. 645,  
chap. 54.

<sup>1</sup> *Sic.*

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE SIXTH DAY OF JANUARY, A.D. 1773.

## CHAPTER 70.

RESOLVE ALLOWING SUNDRY AMOUNTS TO DIVERS MEMBERS OF Y<sup>E</sup>  
COM<sup>TEE</sup> ON VALUATION.

Legislative  
Records of the  
Council, xxix.,  
375.

House Jour-  
nal, p. 27  
(1768); pp. 121,  
146. *Ante*,  
p. 339, chap. 59.

*Resolved* that there be allowed and paid out of the public Treasury to the persons under mentioned the several sums affixed to their names in full compensation for the services done by them severally to the late Committee of valuation To Jedediah Foster Esq<sup>r</sup> for his services as Clerk to said Committee the sum of twelve pounds. To Abraham Fuller Esq<sup>r</sup> for his assistance and care of the Rolls, one pound four shillings. To M<sup>r</sup> Thomas Denny twelve shillings. To Thomas Cooke Esq<sup>r</sup> twelve shillings. To M<sup>r</sup> Thomas Marsh for casting Rolls fifteen shillings. To M<sup>r</sup> Henry Alline jun<sup>r</sup> for writing and expences at Cambridge Seven pounds, sixteen shillings. To M<sup>r</sup> Daniel Wiswall for his House room at Cambridge ten days, one pound, sixteen shillings. To M<sup>r</sup> Alexander Sheppard for casting Rolls eighteen shillings. [*Passed January 9.*]

## CHAPTER 71.

RESOLVE GRANTING TO JONATHAN WEBB LICENSE TO KEEP AN INN.

Legislative  
Records of the  
Council, xxix.,  
378. Mass.  
Archives, cxi.,  
569.

Mass.  
Archives, cxi.,  
568. House  
Journal,  
pp. 150, 151.

A PETITION of Jonathan Webb of Salem in the County of Essex Setting forth That there is but one Tavern near the middle of the said Town and that it is judged expedient that one or more Taverns should be appointed and kept near the middle of the Town for the accommodation of Strangers and Travellers and for public occasions, particularly at the times of the sitting of the Courts That he has obtained the approbation of the Selectmen of the said Town for keeping a Tavern there. And praying that the Court of General Sessions of the peace at their Term in March next may be impowered to grant him a License for that purpose.

[*Read and*]

*Resolved*, that the prayer thereof be Granted, and that the Court of Generall Sessions of the Peace, next to be Holden at Ipswitch in and for the County of Essex, be and hereby are Impowerd to Grant a Licence to the said Jonathan Webb, to be an Inholder in Salem in said County, the Time for Granting Licenses in said County being Elapsed. notwithstanding Provided he produce from the

select men of the Town of Salem, a Certifycate Recomending him as a Person Suitably Qualified for Said Employment. [*Passed January 12.*]

## CHAPTER 72.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £15.9 TO ROBERT BALLS.

A PETITION of Robert Balls keeper of the Lighthouse in the harbour of Boston Praying an allowance for his last years service which expired the 19 day of November last, and which completed the thirty ninth year of his keeping the said Light House, and also praying for the reimbursement of the sum of fifteen pounds, nine shillings which he advanced for Wood for the benefit of the Light.

Legislative  
Records of the  
Council, xxix.,  
381.

House Jour-  
nal, pp. 150, 154.

[Read and]

*Resolved* that the prayer of the Petition be granted, and the sum of Sixty pounds be allowed and paid to him out of the public Treasury for one years service as keeper of the Lighthouse in the harbour of Boston due the 19 day of Novem<sup>r</sup> last, also the further sum of fifteen pounds, nine shillings for the cost of twenty five Cord Wood which he provided and expended for the benefit of the Lighthouse.

[*Passed January 13.*]

## CHAPTER 73.

RESOLVE IMPOWERING DEBORAH HAGGET, ADM<sup>x</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Deborah Hagget administratrix of the Estate of Jacob Hagget late of Andover in the County of Essex deceased Setting forth, That the personal Estate of the said deceased being insufficient to pay his just debts by the sum of £30.13.4 she applied to the Superior Court and obtained leave to sell so much of the Real Estate of the said deceased as to enable her to pay the same; That she hath accordingly sold a piece of Land remote from the homestead for the sum of £13.6.8 but cannot sell any other part of the Real Estate without great prejudice to the whole. And praying that she may be empowered to make sale of the whole of the said Real Estate to enable her to pay the said debts, and to enable her to support herself and two young Children.

Legislative  
Records of the  
Council, xxix.,  
381.

House Jour-  
nal, pp. 152, 153,  
154. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer thereof be granted, and the petitioner is hereby empowered to make sale of the Real Estate in the Petition mentioned for the most the most the same will fetch, and make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers; she observing the rules and directions of the Law for selling Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Essex that one third of the proceeds of such sale be put on interest for the benefit of the Petitioner, the interest to be allowed her annually in lieu of her dower in said Estate, and the other two thirds, after paying the just debts and charges thereout, be put on Interest for the use of the minors in the Petition mentioned, the said two

thirds also the first mentioned third, after the Widows decease, be paid to the two Children or their legal Representatives at such times and in such proportions as they might have inherited said Real Estate in case the same had not been sold. [*Passed January 13.*]

## CHAPTER 74.

### RESOLVE GRANTING 300 ACRES OF LAND TO JONATHAN SPRAGUE.

Legislative  
Records of the  
Council, xxix.,  
382.

House Jour-  
nal, pp. 144, 151,  
152.

A PETITION of Jonathan Sprague Setting forth, That some years ago he bought a right of Land in Ashfield, one hundred acres of which was laid out where he now lives, but he now finds, by the settlement of the north line of Ashfield, that the said one hundred acres is Province Land; on which he hath built an House and made considerable improvements That he hath two Sons who have made improvements on the Province Land adjoining to the said one hundred acres, and on which they are desirous of settling. And praying that there may be granted to him and his two Sons, three hundred acres of Land, including the said one hundred acres, bounding South on Ashfield, Easterly on Chileab Smith's Land as far north as the north line of said hundred acres extends, and then Westerly so far as to make said quantity of three hundred acres.

[Read and]

*Resolved* that there be granted to the Petitioner three hundred acres of Land bounded and described in said Petition, on this condition that the Petitioner return a plan thereof taken by a Surveyor and Chainmen under Oath within five months, and at the same time give security to the Province Treasurer for the payment of forty five pounds within one year with Interest, provided it doth not interfere with any former Grant, or the improvement of any other person. [*Passed January 14.*]

## CHAPTER 75.

### RESOLVE IMPOWERING SAM<sup>L</sup> PHILLIPS SAVAGE, GUARDIAN, TO JOIN WITH OTHER HEIRS TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
384.

House Jour-  
nal, pp. 156, 157,  
166.

A PETITION of Samuel Philips Savage of Weston Guardian of Charlotte Tyler a minor and daughter of Thomas Tyler late of Boston deceased Setting forth That the said Thomas, who died Intestate, at his decease left in Real Estate a House in Boston, a small Farm in the Town of Pomphret in the Colony of Connecticut, and a small piece of Land, on which there is an old House, in the Town of Concord; neither of which can be divided without great loss and damage to the said Charlotte as well as to the other Heirs of the said Thomas. And praying that he may have liberty to join with the other Heirs in the sale of the premises.

It appearing that the within named Charlotte Tyler the minor is non compos and in all probability will never be able to make any improvement of her share in the Estate therein mentioned; wherefore

*Resolved* that the Petitioner Samuel Phillips Savage be and he

accordingly is hereby fully impowered to join with the other Heirs in said Petition mentioned in the sale of all the Real Estate in this Province belonging to his said Ward mentioned in said Petition, and make and execute a good and sufficient Deed or Deeds of his said Wards share thereof; provided he shall first give sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of the sale of that part which belongs to the said Charlotte shall be put to interest and shall be applied for her support in such manner as said Judge of Probate or his successors shall direct, and that if there shall be any of the proceeds of said sale or interest thereof not so expended at her decease that the same shall be paid to her legal Heirs in such proportion as they could inherit in case the same had not been sold. [*Passed January 14.*]

## CHAPTER 76.

### RESOLVE REFERRING REPORT OF COMMITTEE ON RUNNING THE LINE FROM ACCORD POND TO ANGLE TREE.

THE COMMITTEE appointed by this Court the last Session to run the Line from Accord pond to Angle Tree, have attended that service, having first duly notified all parties concerned of the time and place of meeting, proceeded to Hingham at the time appointed with M<sup>r</sup> John Child the Surveyor appointed by this Court to run said Line and there heard the parties: Then your Committee repaired to a monument of Stones standing on the westerly side of said Pond nearly opposite to the center thereof, which monument all parties agreed to be the monument from which your Committee should take their departure; that being done your Committee agreed to run a certain point, namely, West twenty two degrees and an half South to the Bay Road, so called, in Bridgewater, which point they run measuring at certain stations the distances they run from the line made by Col<sup>o</sup> Thaxter and Cap<sup>t</sup> Thomson in seventeen hundred and thirteen and twenty five; When your Committee had run to the Bay Road aforesaid, they rode to the tree called Angle Tree, standing between Attleborough and Wrentham, which tree was the only tree any person would undertake to shew to your Committee as Angle Tree. From which tree your Committee agreed and run East twenty degrees and a quarter north down to the Bay Road aforesaid, observing the distance they run from sundry monuments said to be made by Col<sup>o</sup> Thaxter and Cap<sup>t</sup> Thomson in the line run in seventeen hundred and thirteen. By means of which your Committee find to run from the monument aforesaid at Accord pond West twenty degrees and an half South will lead on to many of the bounds said to be made by Col<sup>o</sup> Thaxter and Cap<sup>t</sup> Thomson on the line run in the year Seventeen hundred and thirteen and strike the Tree aforesaid called Angle tree. And your Committee are of opinion that the return of the doings of the Committee in the year sixteen hundred and sixty four is vague and uncertain, and that the line run in Seventeen hundred and twenty five is inconsistent, and your Committee are further of the opinion the line run in the year Seventeen hundred and thirteen is the only line that has been properly run out and marked all which is humbly submitted

ARTEMAS WARD p Order

Legislative  
Records of the  
Council, xxix.,  
384.

Maps and  
Plans, Mis.,  
lxii., 3. House  
Journal, p. 155.  
Province  
Laws, v., 273,  
note; ix., 258,  
chap. 83; x.,  
682, chap. 319.  
*Ante*, p. 642,  
chap. 50.

In Council. The aforewritten report being read,

*Ordered* that James Otis, Walter Spooner and Caleb Cushing Esq<sup>rs</sup> with such as may be joined by the hon<sup>ble</sup> House, be a Committee to take the same into consideration, hear the parties, who are now attending for that purpose, and report what they think proper this Court should do thereon.

In the House of Representatives, Read and nonconcurrent and

*Resolved* that the consideration of the aforewritten report be referred to Wednesday the 27<sup>th</sup> instant at eleven 'oClock a.m, the parties then to be heard in person or by Council before the whole Court upon the snbject matter of said report.

In Council, Read and Concurred. [*Passed January 14.*]

## CHAPTER 77.

### ORDER ON THE PETITION OF WILLIAM HICKLING AND JOSEPH GREEN SUSPENDING THE EXECUTION ON A WRIT OF SCIRE FACIAS.

Legislative  
Records of the  
Council, xxix.,  
387.

THE COMMITTEE appointed the 13<sup>th</sup> instant on the Petition of William Hickling and Joseph Greene [*ante*, p. 643, chap. 51], made report; whereupon the following Order passed viz'

Legislative  
Records of the  
Council, xxix.,  
380. House  
Journal, pp. 93,  
96 *bis*, 153, 159.  
*Ante*, p. 643,  
chap. 51.

*Ordered* that the prayer of the said Petition be so far granted as that the Execution of the Writ of Scire facias in the said Petition mentioned be further suspended until the Review of the action in said Petition mentioned; provided the same be at the next Superior Court of Judicature Court of assize and General Goal delivery to be holden at Falmouth within and for the County of Cumberland on the Tuesday next following the fourth Tuesday of June next; provided also that this suspension shall by no means be construed or be understood to discharge the Bail, but that he to all intents and purposes shall be as much holden as if said Court had continued the said action on the Scire facias till Judgment had been given on the Review. [*Passed January 15.*]

## CHAPTER 78.

### ORDER ESTABLISHING THE BOUNDARY LINE BETWEEN THE 1<sup>ST</sup> & 3<sup>RD</sup> PARISHES IN FALMOUTH, CUMBERLAND COUNTY.

Legislative  
Records of the  
Council, xxix.,  
294, 388.

Legislative  
Records of the  
Council, xxix.,  
381. House  
Journal,  
pp. 68 *bis*, 154,  
160, 161. Prov.  
ince Laws,  
xvii., 614, chap.  
242.

A PETITION of John Bracket and others a Committee in behalf of the third Parish in Falmouth in the County of Cumberland, otherwise called the fourth Parish in said Town Setting forth That the first Parish in said Town at a meeting legally held on the 28 of March 1764 voted, "That all the Land belonging to the said first Parish beyond and to the Westward of the narrow of the neck from the fore River, at the round marsh, over to back cove Creek and down said Creek to back Cove Bridge and between the second and third Parishes to the head of the Township be divided in the middle, that is the foot line in the middle and the head line in the middle, and that all the Land to the Southward and Westward of said boundaries be for a fourth Parish and that all those persons that live to the westward of said dividing line and desire to be of the



first Parish and shall signify the same to the Clerk of the said first Parish in writing in twelve months they and their Estates to be & remain to the first Parish, and all those persons that desire to be of the fourth Parish and shall signify the same in writing to the Clerk of the said first Parish in twelve months, they and their Estates to be and remain to the fourth Parish." That the Petitioners afterwards presented a Petition to the General Court praying to be Incorporated into a Parish agreeable to the said Vote of the first parish and were accordingly incorporated by the name of the fourth Parish, but not agreeable to the bounds set forth by the said vote, whereby they are deprived of many Families, and a large tract of improved Land, for by the act of Incorporation the northerly side line of said fourth Parish begins at the Bridge on back cove Creek, not at the middle of the foot line, mentioned in the said Vote, as it ought to have done. And praying that the said northerly side line may be removed and fixed agreeable to the vote aforementioned That by the act aforesaid, it is enacted that all Persons who should give in their names to the Clerk of the said first Parish agreeable to the vote of the said Parish, should with their Estates be of the first and fourth Parishes respectively; which does not extend to the Heirs and assigns of persons thus giving in their names, but is confined to such persons only and further praying that it may be enacted that the Heirs & assigns of all such persons as have given in their names as aforesaid shall be and remain of the said fourth Parish, and that their Children and Servants residing with them be held to pay Rates to the said Parish.

[Read and]

*Ordered* that the foot line mentioned in the vote of the first Parish for setting off the said third parish, ought to extend no farther than from the fore River to back Cove Bridge and from thence in a strait line to Staples point, and that the dividing line between the said Parishes for the future shall begin at the middle of the foot line aforesaid, and from thence extend in a strait line to the middle of the head line of the first & third Parishes, and that all those persons of the first Parish that are included by said line within the third Parish, that were not included in it by the former divisional line, have liberty within twelve months to return their names to the Clerk of either of the said Parishes signifying to which of the said Parishes their polls and Estates and their successors on said Estates shall for the future belong, and that the liberty given to the Inhabitants within the first Parish at the Incorporation of the third Parish to return their names within twelve months to the Clerk of said first Parish, signifying to which of said Parishes their polls and Estates should belong for the future, shall extend to their successors on said Estates. [*Passed January 15.*]

## CHAPTER 79.

### RESOLVE ALLOWING £21 TO SAMUEL BERRY.

A PETITION of Samuel Berry of Lynn Praying that the sum of Sixty pounds which he advanced for necessaries for the Troops in the Expedition Westward in the year 1761, may be reimbursed him out of the public Treasury.

Legislative  
Records of the  
Council, xxix.,  
389. Mass.  
Archives,  
lxxx., 700.  
Mass.  
Archives,  
lxxx., 699.

House Journal, pp. 75, 108, 155, 156. Province Laws, xvi., 721, chap. 356.

[Read and]

*Resolved* that the Sum of Twenty one pounds be paid out of the publick Treasury, to the petitioner in full consideration of the Expences in his petition mentioned. [*Passed January 15.*]

## CHAPTER 80.

RESOLVE IMPOWERING DAVID STOCKBRIDGE, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxix., 389.

House Journal, pp. 155, 157, 158. Province Laws, li., 151, chap. 10.

A PETITION of Peleg Bryant of Scituate, Joshua Lincoln of Broad Bay and Ann his Wife, and Nathaniel Clap of Scituate Esq' Guardian of Martha Bryant a minor; which said Peleg, Ann and Martha are the only surviving Children of Peleg Bryant late of said Scituate Gen' deceased and the only Heirs to the Estate of Edward Bryant late of said Scituate a minor deceased Setting forth That the said deceased Peleg Bryant in his last Will and Testament gave certain Lands to his Son the said Edward and also a small Personal Estate and ordered that all his just debts, funeral charges, Legacies and expence of settling his Estate, should be paid by his Executor out of that part of his Estate devised to the said Edward That the debts already exhibited against the Estate of the said Peleg amount to about £430 lawful money, and that the demands are not all brought in That the said Edward expended, in his long sickness, near all his Personal Estate. And praying that the Executor of the Will of the said Peleg Bryant may be impowered to make sale of the whole of the Real Estate of the said Edward for the purpose aforesaid; they apprehending it will be much better for the Heirs than to sell so much only as to enable the said Executor to pay the said debts.

Read and

*Resolved* that the prayer of this Petition be granted, and that David Stockbridge Esq' Executor of the last Will and Testament of the said Peleg Bryant deceased, be and he is hereby impowered to make sale of the whole of the Real Estate of the said Edward Bryant deceased for the most the same will fetch, and to make and execute a good deed or deeds of the same to the purchaser or purchasers thereof and pay off all the just debts, Legacies, funeral charges and the cost of settling the Estate of the said Peleg Bryant deceased; he observing the direction of Law relating to the sale of Real Estates by Executors & administrators and giving caution to the Judge of Probate for the County of Plymouth that the proceeds arising by said sale be applied for the payment of the aforesaid debts, Legacies &c, and that the remainder, if any there be, be to and for the use of the Heirs of the deceased as they could inherit by Law in case the said Land had not been sold as aforesaid. [*Passed January 15.*]

## CHAPTER 81.

## RESOLVE ANNEXING CERTAIN LAND OF JOHN TATMAN TO THE TOWN OF WORCESTER.

A PETITION of John Tatman of Worcester Setting forth, That on the 5 day of April 1743 the General Court was pleased, on the Petition of Ephraim Curtis, Jabez Tatman, Mathias Rice, Tim<sup>o</sup> Green, John Barber, Daniel Boyden and Jonas Woodward, then dwelling on and interested in a Gore of Land lying between the Towns of Worcester and Sutton, to annex them and their Lands to the said Town of Worcester That at that time William Jennison Esq<sup>r</sup>, now deceased, owned sixteen acres and an half of Land lying in said Gore, now owned by the Petitioner, and is encompassed by the Lands aforementioned, which was not annexed to said Worcester. And praying that the said sixteen acres and an half of Land may be annexed to Worcester.

Legislative  
Records of the  
Council, xxix.,  
390.

House Jour-  
nal, pp. 156, 161.  
Province  
Laws, v., 857,  
note; xiii., 212,  
chap. 204.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the sixteen acres and an half of Land mentioned in said Petition be annexed to the Town of Worcester and subjected to be Taxed there, and in every respect under the jurisdiction of said Town as other Lands in said Town are. [*Passed January 16.*]

## CHAPTER 82.

## ORDER SETTING OFF JOSEPH BLODGET AND HIS ESTATE FROM THE EAST TO THE WEST PARISH IN SOUTH BRIMFIELD.

A PETITION of Joseph Blodget and Samuel Blodget of the District of South Brimfield in the County of Hampshire Setting forth That it was the intention of the said District, and the Petitioners apprehend the intention also of the General Court (in the act for dividing the said District) the said Joseph with his home Farm should be included in the West Parish; but that the expressions in the said act, "the said Joseph and his homelot," have caused a dispute to arise, whether all his Farm is included in the West Parish, as the Farm was not all laid out at one time, altho' it lies in one piece. And praying an explanation of the said act. And also setting forth, That the said Joseph has settled his Son the said Samuel on part of the said Farm (but has not given him a title thereto) and the said Samuel has ever since his settlement paid Taxes to the West Parish, supposing that he belonged there, but, as his House stands on that part of the Farm included in the second Survey, altho the greatest part of his improvements are on the first Survey, the said East Parish suppose he belongs there, and have Taxed him for two or three years past and distrain'd therefor. And praying that this Court would determine to which Parish the said Samuel belongs; and if it should be determined that he belongs to the East Parish, that then he and the Land he lives upon may be set off to the West Parish.

Legislative  
Records of the  
Council, xxix.,  
311, 392.

Legislative  
Records of the  
Council, xxix.,  
387. House  
Journal, pp. 76,  
83, 159, 165.  
Province  
Laws, iv., 857,  
chap. 31. *Ante*,  
p. 237, chap. 24.

[Read and]

*Ordered* that all the Lands belonging to Joseph Blodget, lying

together in one body, whereon he and his Son Samuel now dwell, be set off from the East Parish in South Brimfield and annexed to the west Parish within the same, there to do duty and receive privilege for the future. [*Passed January 19.*]

## CHAPTER 83.

### RESOLVE SETTLING THE LINE OF JURISDICTION BETWEEN SHREWSBURY AND GRAFTON.

Legislative  
Records of the  
Council, xxix.,  
392.

House Jour-  
nal, pp. 145, 163,  
164.

ON THE PETITIONS of the agents of the Towns of Shrewsbury and Grafton

*Resolved* that the line of Jurisdiction between the said Towns shall be hereafter as followeth viz' begining at a double maple tree by the River called long pond River, and from thence runing north seven degrees East twenty five rods to a white Oak tree, then East fourteen degrees north one hundred and twenty one rods to a heap of Stones, then north one degree and thirty minutes West sixty two rods to a maple tree, then East seven degrees South seventy five rods and an half to an ash tree, then South ninety three rods to a heap of Stones, then West twenty seven degrees South thirty rods to a heap of Stones, then South three degrees East eighty nine rods to a white Oak tree but to be a curve line to the East runing between Rands and Arnolds Land to a white Oak, then East one degree north one hundred and forty rods to a heap of Stones, then East forty three degrees north forty eight rods to a pitch pine, then East thirty seven degrees north forty six rods to a Stake and Stones, then South sixty nine degrees East thirty two rods to a white Oak tree, then north eight degrees East thirty four rods to a poplar tree, then thirty two rods a curve line to the East between Knowltons & Cutlers Land to a Birch tree, then north fifteen degrees West twelve rods to a poplar tree, then north four degrees East thirty nine rods to a maple tree, then north thirty one degrees East nine rods, then East seven degrees South twenty rods to a walnut tree, then South twenty nine rods to a Tree, then East two degrees South seventy nine rods to a heap of Stones, then north five degrees East forty five rods to a heap of Stones, then East eight degrees north eighty four rods to a black Oak tree, then north fifteen degrees West thirty six rods to a heap of Stones, then East thirteen degrees north forty four rods to a white Oak tree, then South four degrees West seventy four rods, then East thirty six degrees South forty three and half rods to a heap of Stones, then north twenty seven degrees East forty two rods to a heap of Stones, then East twenty two degrees north thirty four rods to a heap of Stones, then South seventeen degrees East thirty six rods to a heap of Stones, then East twenty seven degrees South six rods to a white Oak tree, then north forty seven degrees East sixty two rods to a heap of Stones, then north thirteen degrees East one hundred and two rods to a white Oak tree a corner of Westborough. [*Passed January 19.*]

## CHAPTER 84.

RESOLVE IMPOWERING THO<sup>S</sup> NICHOLS AND PATIENCE HIS WIFE TO  
SELL REAL ESTATE.

A PETITION of Thomas Nichols of Natick a free negro man Setting forth That he hath lately purchased a plantation in Natick containing near eighty acres of Land with a dwelling house thereon and many good accommodations; that he has lately intermarried with one Patience Terry an Indian, native, of said Natick who had legally heretofore purchased the following tracts of Land, situate in said Natick, which Lands the Petitioner paid for, but the Deed was given in his Wifes name viz<sup>t</sup> the first lot containing about forty acres, the second lot about eleven acres more or less, the third thirty five and the fourth lot between seventy and eighty acres; of which last mentioned tract the Petitioner claims only one sixth part That he is considerably in debt for the purchase of his plantation aforesaid and otherwise. And praying that he may be impowered to sell the four pieces of Land aforesaid, which lie scattering to enable him to pay his just debts and to purchase some Stock and Tools for his plantation aforesaid.

Legislative  
Records of the  
Council, xxix.,  
393.

House Jour-  
nal, pp. 156, 158,  
161.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner, together with his Wife Patience be and hereby are impowered to sell the several Tracts of Land in the Petition mentioned, and to make and execute a good deed or deeds thereof in Law to the purchaser or purchasers of the same. [*Passed January 19.*]

## CHAPTER 85.

RESOLVE IMPOWERING JOHN HASKELL, ADM<sup>R</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Haskell administrator of the Estate of Nathan Freeman late of Hardwick in the County of Worcester Housewright deceased Setting forth That by an account of his administration on the said deceaseds Estate settled with the Judge of Probate, it appears that he is in advance the sum of £50.13.7 That the said deceased died siezed of a Real Estate in said Hardwick apprized at two hundred and twenty six pounds thirteen shillings and four pence containing about thirty five acres of Land with Buildings thereon That if such part of the Estate was sold as would be sufficient to pay the Petitioner the sum in advance as aforesaid, it would spoil the remainder. And praying that he may be impowered to make sale of the whole of the Real Estate aforesaid; the proceeds of such sale to be applied for the payment of the said sum, and for the benefit of the Widow and five small Children of the said deceased.

Legislative  
Records of the  
Council, xxx.,  
394.

House Jour-  
nal, pp. 156, 164,  
165. Province  
Laws, II., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer thereof be granted, and the Petitioner is hereby impowered to sell the Real Estate in the Petition mentioned, and make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers, he observing the directions of the Law for selling Real Estates by Executors and admin-



istrators and giving security to the Judge of Probate for the County of Worcester that one third of the proceeds of the sale thereof be on Interest, and the Interest allowed the Widow of the said Nathan Freeman annually in lieu of her dower in said Estate, and the other two thirds after the discharge of all just debts and necessary charges be paid to the Guardian of the minors, Heirs to said Estate, to be by him improved for their benefit, the same together with the first mentioned third after the decease of the Widow, to be paid to the several Heirs at such times and in such proportion as they might have inherited said Real Estate in case the same had not been sold. [*Passed January 19.*]

## CHAPTER 86.

RESOLVE IMPOWERING EPH<sup>m</sup> ABBOT, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
366.

House Jour-  
nal, pp. 155, 165.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Ephraim Abbot administrator of the Estate of his Father Samuel Abbot late of Sudbury deceased intestate, and of Abigail the Widow, and John, Samuel, Sarah and Abigail the Children of the deceased Setting forth That they, with three others who are minors, are the lawful Heirs of the said Intestates Real Estate in Sudbury, which has been apprizd at £230 That the Heirs are not willing to have their respective shares set off to them, nor is either of them able to take the whole and pay the others their proportion thereof in money. And praying that the said administrator may be impowered to make sale of the whole of the said Real Estate for the benefit of the Heirs.

[Read and]

*Resolved* that the prayer thereof be granted, and the said Ephraim is hereby impowered to make sale of the Real Estate in the Petition mentioned, and make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers, he observing the directions of the Law of the sale of Real Estates by Executors and giving sufficient security to the Judge of Probate for the County of Middlesex that the Interest of one third of the proceeds be allowed the Widow annually in lieu of her dower in said Real Estate, and that the remainder be paid to the Heirs, together with said third at such times and in such proportion as they might have inherited said Real Estate in case the same had not been sold. [*Passed January 19.*]

## CHAPTER 87.

RESOLVE ALLOWING £60 TO NATHAN THOMPSON.

Legislative  
Records of the  
Council, xxix.,  
345. Mass.  
Archives,  
lxxx., 707.

House Jour-  
nal, p. 155.

A PETITION of Nathan Thompson Setting forth, That in the year 1755 he inlisted himself, as a private, in Cap<sup>t</sup> Whipple's Company in Col<sup>o</sup> Titcombs Regiment, and at the Battle near Lake George was wounded in such a manner as has rendered him unable to get his subsistence in the common way of life, having a Wife and nine Children. That, being now an Inhabitant of Connecticut, he has applied to the assembly of that Colony for relief, but was refused



because he received his wound in the service of this Province. And praying that he may be allowed a Pension from this Government.

[Read and]

*Resolved*<sup>a</sup> that there be Granted and paid Out of the Publick Treas<sup>r</sup> <sup>1</sup> to Nathan Thomson a Wounded Soldier: Wounded In the Expedition to Crown point in the Year 1755 in the Service of this Government Sixty pounds in full Satisfaction for his Sufferings as mentioned in the above Petition. [*Passed January 19.*]

## CHAPTER 88.

RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF COONROD BORGHARDT FOR NEW TRIAL OF AN ACTION.

A PETITION of Coonrod Borghardt of Great Barrington in the County of Berkshire Setting forth That Jeremiah Hogoboom of Claverack in the County of Albany Esq<sup>r</sup> commenced an action against the Petitioner for the partition of divers pieces of Real Estate, described in the Writ, and at an Inferior Court of Common pleas held within and for the said County of Berkshire, Judgment passed against the Petitioner for the partition demanded; whereupon he appealed to the Superior Court held at Springfield in Septem<sup>r</sup> last, at which time he was so indisposed in body that he was unable to attend the said Court in person. That he, being a Dutchman and unacquainted with the practice of Courts, did not advance the money for the Jurys fees, and no person appearing to pay the same, he was nonsuited; by means whereof he will be a great sufferer, unless relieved by this Court. And praying that he may be allowed a new Trial of the said cause, and that Execution on the said Judgment may be staid.

[Read and]

*Resolved* and

*Ordered* that the Petitioner notify the said Jeremiah Hogoboom by serving him with an attested Copy of this Petition and Order to appear and shew cause, if any he has, on the second Wednesday of the next Session of the General Court why the prayer should not be grauted, and that Execution be staid in the mean time. [*Passed January 19.*]

## CHAPTER 89.

RESOLVE IMPOWERING ELIZ<sup>a</sup> GOOLD, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Goold Widow of the late Henry Goold of Concord and administratrix on his Estate Setting forth, That the personal Estate of the said deceased is insufficient to pay his just debts That it will be detrimental to the Real Estate to sell only part thereof. And praying that she may be empowered to make sale of the whole of the said deceaseds Real Estate to enable her to pay his debts &c

[Read and]

Legislative  
Records of the  
Council, xxix.,  
397.

House Jour-  
nal, pp. 158, 162.

Legislative  
Records of the  
Council, xxix.,  
399.

House Jour-  
nal, pp. 158, 167.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> *Sic.*

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and she is hereby impowered to make sale of the whole of the Real Estate referred to in the Petition, and make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that one third of the proceeds of said sale be on Interest for the use of the Petitioner in lieu of her dower in said Estate, and the remainder after paying debts and charges be improved for the use of the Heirs to said Estate, and the same (together with the third abovementioned after the petitioners decease) be paid to the Heirs to said Estate at such times and in such proportions as they might have inherited said Real Estate in case the same had not been sold. [*Passed January 21.*]

## CHAPTER 90.

### RESOLVE ALLOWING £300 TO THE CHIEF JUSTICE.

Legislative  
Records of the  
Council, xxix.,  
400. Mass.  
Archives,  
xliv., 726.

House Jour-  
nal, p. 168.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury to the honorable Peter Oliver Esq<sup>r</sup> Chief Justice of the Superior Court of Judicature, Court of Assize and General Goal Delivery the Sum of Three Hundred Pounds for the faithful Discharge of his Trust for one Year, ending the first of January instant. [*Passed January 22.*]

## CHAPTER 91.

### RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> E. TROWBRIDGE, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xxix.,  
401. Mass.  
Archives,  
xliv., 730.

House Jour-  
nal, p. 168.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury to the honorable Edmund Trowbridge Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery the Sum of Two Hundred and fifty Pounds for the faithful Discharge of his Trust for one Year, ending the first of January Last. [*Passed January 22.*]

## CHAPTER 92.

### RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> F. HUTCHINSON.

Legislative  
Records of the  
Council, xxix.,  
401. Mass.  
Archives,  
xliv., 729.

House Jour-  
nal, p. 168.

*Resolved*, That the Sum of Two Hundred and fifty Pounds be granted and allowed to be paid out of the publick Treasury to the hon<sup>ble</sup> Foster Hutchinson Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery for the faithful Discharge of his Trust, for one Year ending the first of January, instant. [*Passed January 22.*]

## CHAPTER 93.

RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> NATH<sup>L</sup> ROPES, ESQ<sup>R</sup>.

*Resolved*, That the Sum of Two Hundred and fifty Pounds be granted and allowed to be paid out of the publick Treasury to the honorable Nathaniel Ropes Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature Court of Assize and General Goal Delivery for his faithful Discharge of his Trust, for one Year, ending the first of January Instant. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
401. Mass.  
Archives,  
xliv., 728.  
House Jour-  
nal, p. 168.

## CHAPTER 94.

RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> W<sup>M</sup> CUSHING, ESQ<sup>R</sup>.

*Resolved*, That the Sum of Two Hundred and fifty Pounds be granted and allowed to be paid out of the publick Treasury to the hon<sup>ble</sup> W<sup>m</sup> Cushing Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery for the faithful Discharge of his Trust, for one Year ending the first of January Instant. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
401. Mass.  
Archives,  
xliv., 727.  
House Jour-  
nal, p. 168.

## CHAPTER 95.

RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the Public Treasury the sum of Two hundred pounds to the Rev<sup>d</sup> Mr Samuel Lock President of Harvard Colledge, over & above the rents of Massachusetts Hall, for his Services for One year Commencing the 21<sup>st</sup> March last, to [be]<sup>1</sup> paid Quarterly. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
401. Mass.  
Archives,  
lviii., 604.  
House Jour-  
nal, p. 169.

## CHAPTER 96.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to Mr Edward Wigglesworth Hollisian professor of Divinity at Harvard College in Cambridge the sum of one hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him for one year, ending the 25 day of January instant. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
402.  
House Jour-  
nal, p. 170.

<sup>1</sup> Inserted from Legislative Records of the Council, xxix., 402.

## CHAPTER 97.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICKS AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xxix.,  
402.

House Jour-  
nal, p. 170.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to John Winthrop Esq<sup>r</sup> Hollisian professor of mathematicks and natural Philosophy at Harvard College in Cambridge, the sum of one hundred pounds as a Gratuity in consideration of his faithful discharge of the great and important trust reposed in him for one year ending the 13 day of January instant. [*Passed January 22.*]

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## CHAPTER 98.

RESOLVE ALLOWING £40 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xxix.,  
402. Mass.  
Archives,  
lviii., 604.

House Jour-  
nal, p. 170.

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury, to M<sup>r</sup> Stephen Sewall, Hancock-Professor of the Hebrew, and other Oriental Languages at Harvard-College in Cambridge, the Sum of Forty pounds as a Gratuity in Consideration of his faithful Discharge of the great and important Trust reposed in him, the last Year. [*Passed January 22.*]

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## CHAPTER 99.

RESOLVE ALLOWING £140 TO THE SECRETARY.

Legislative  
Records of the  
Council, xxix.,  
402. Mass.  
Archives, l.,  
444.

House Jour-  
nal, p. 171.

*Resolved* That the sum of one hundred and forty pounds be granted and allow'd to be paid out of the Public Treasury to the Hon: Thomas Flucker Esqr Secretary of this Province for his Services, ordinary and Extraordinary, for one year, Ending the Eleventh Day of March 1773. [*Passed January 22.*]

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## CHAPTER 100.

RESOLVE ALLOWING £267 TO THE TREASURER.

Legislative  
Records of the  
Council, xxix.,  
403.

House Jour-  
nal, p. 170.

*Resolved* that the sum of Two hundred and sixty seven pounds be granted and allowed to be paid out of the public Treasury to the hon<sup>ble</sup> Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues of this Province for one year ending the third day of December last. [*Passed January 22.*]

## CHAPTER 101.

## RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

*Resolved* That there be granted and Allowed to be paid out of the Public Treasury to The Hon. Thomas Cushing Esq<sup>r</sup> Commissary General, the Sum of one hundred & fifty pounds in full for His Services one year. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
403. Mass.  
Archives,  
lxxx., 708.  
House Jour-  
nal, p. 170.

## CHAPTER 102.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

In the House of Representatives

*Resolved*, That there be granted and allowed to be paid out of the publick Treasury the Sum of four Shillings per Diem to the honorable Thomas Cushing Esq<sup>r</sup> Speaker of this House, for every Day of his Attendance in the General Court, from the opening of the Session on the Twenty seventh Day of May 1772, over and above his Pay as a member of this House.

In Council Read & Concurred. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
403. Mass.  
Archives, l.,  
445.  
House Jour-  
nal, p. 170.

## CHAPTER 103.

## RESOLVE ALLOWING £90 TO THE CLERK OF THE HOUSE.

In the House of Representatives.

*Resolved* that there be granted and allowed to be paid out of the public Treasury the sum of ninety pounds to M<sup>r</sup> Samuel Adams for his service as Clerk of this House the several Sessions of the General Court in the current year.

In Council, Read and Concurred. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
403.  
House Jour-  
nal, p. 170.

## CHAPTER 104.

## RESOLVE ALLOWING £110 TO THE MESSENGER.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to William Baker messenger of the General assembly the sum of one hundred and ten pounds for his services to his Excellency the Governor, the Council and House of Representatives for one year to be paid quarterly. [*Passed January 22.*]

Legislative  
Records of the  
Council, xxix.,  
403.  
House Jour-  
nal, p. 171.

## CHAPTER 105.

RESOLVE ALLOWING £12 TO REV<sup>D</sup> JOHN HUNT.

Legislative  
Records of the  
Council, xxix.,  
404.

House Jour-  
nal, p. 170.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to the Rev<sup>d</sup> M<sup>r</sup> John Hunt the sum of twelve pounds for his services as Chaplain to the two Houses of the General assembly during the several Sessions of the General Court the current year. [*Passed January 22.*]

## CHAPTER 106.

RESOLVE ALLOWING £2 TO REV<sup>D</sup> DOCT<sup>R</sup> APPLETON.

Legislative  
Records of the  
Council, xxix.,  
404.

House Jour-  
nal, p. 170.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to the Rev<sup>d</sup> Doctor Nathaniel Appleton forty shillings for his services as Chaplain to the two Houses of the General assembly the last Session. [*Passed January 22.*]

## CHAPTER 107.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO SUSPEND EXECUTION AGAINST SALAH BARNARD.

Legislative  
Records of the  
Council, xxix.,  
404.

House Jour-  
nal, pp. 162, 171.

A PETITION of Samuel Clap and others Inhabitants and proprietors of the Town of Worthington in the County of Hampshire Praying that the Province Treasurer may be directed to suspend his Execution against Major Barnard for Lands he purchased of the Province in the said Town, otherwise he will be obliged to distress them for the money they owe him for part of the said Land they purchased of him, which they are at present unable to pay.

[Read and]

*Resolved* that the Province Treasurer be directed and he is hereby directed to suspend or stay his Execution against Salah Barnard Esq<sup>r</sup> of Deerfield, for two years next ensuing, provided he give security to pay interest upon said debt until paid. [*Passed January 22.*]

## CHAPTER 108.

## RESOLVE ALLOWING £60 AND A FURTHER SUM OF £22. 16 TO JOHN THOMAS.

Legislative  
Records of the  
Council, xxix.,  
436. Mass.  
Archives,  
lxvi., 521.

House Jour-  
nal, pp. 173, 191.  
Province  
Laws, iv., 1065,  
note.

A PETITION of John Thomas Praying an allowance for his last years service as keeper of the Lighthouse on the Gurnet, ending the 14 day of Novem<sup>r</sup> last, and also for Fuel expended for the use of said Lighthouse.

[Read and]

*Resolved* that the sum of sixty pounds be allowed and paid out of the publick Treasury to John Thomas Esq<sup>r</sup> for his service as



Keeper of the Light house In the Gurnet for one year Ending the 14<sup>th</sup> of November Last. and the further sum twenty two pounds and sixteen Shillings for twenty Cords of Wood and Charcoal Expended at said Light house. [*Passed January 28.*]

## CHAPTER 109.

### ORDER DISCHARGING CONDITIONALLY THE TOWN OF MILTON OF £200.

A PETITION of James Boies of Milton Praying that he may be allowed a further time for the payment of what remains due from him to the Province as Collector of Taxes for said Town in the year 1768.

[Read and]

*Ordered* that the Town of Milton be Discharged of the Sum of Two Hundred pounds which Remains Due from the Said Town on the Taxes Committed To James Boies to Collect upon the Said James Boies Giveing Sufficient Security to the Province Treasurer that he will pay into Said Treasury the Said Sum of Two Hundred pounds as followeth Viz Fifty pounds Each Year from this Time until he Shall have paid Said Two hundred pounds without Interest then and in that Case Said Town be Discharged as aforesaid and not otherwise. [*Passed January 28.*]

Legislative  
Records of the  
Council, xxix.,  
437. Mass.  
Archives, lix.,  
582.

Mass.  
Archives, lix.,  
580. House  
Journal,  
pp. 171, 192, 193.

## CHAPTER 110.

### RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

In the House of Representatives,

*Resolved* that no person who shall be chosen by this Court into the office of Treasurer and Receiver General for this Province for the present year, shall be esteemed duly qualified to enter upon the execution of that office until he shall first have an Oath adminstred to him for the faithful performance of the trust of his said office and shall give Bond with sufficient sureties to the acceptance of a Committee to be appointed by this Court to judge in their behalf both of the sufficiency of the Sureties & of such Bond in the sum of thirty thousand pounds lawful money to the three eldest Councillors of this Province for the time being who are hereby appointed a Committee in behalf of the Province and especially authorized to take the said Bond to themselves to the use of the Province; which Bond shall be conditioned for the Treasurers duly and faithfully discharging the duty of his office according to Law and for his rendering an account when and so often as he shall be required by the General Court of all and any such sum or sums of money, Securities and other Estate of this Province as he shall from time to time receive or be possessed of to the use of the said Province, and for his well and truly paying and delivering to his successor in said office or to any other person that may be appointed by the General Court to receive the same, all such sum or sums of money, Securities or other

Legislative  
Records of the  
Council, xxix.,  
437.

House Jour.  
nal, pp. 191, 192.  
*Ante*, p. 615.  
*Infra*, p. 674,  
chap. 112.

Estate of the Province, as upon such settlement of his accounts, or otherwise, shall be found due and payable from him to the Province, or for which he shall be found accountable; and it is also

*Ordered* that in case such Bond shall not be put in suit within three years from the date thereof it shall be void and of none effect, and that the Speaker and M<sup>r</sup> Hancock, with such as the hon<sup>ble</sup> Board shall join, be a Committee to judge of the sufficiency of the Bond to be taken as aforesaid, and of such as may offer to become sureties for the Treasurer as aforesaid.

In Council, Read and Concurred and Samuel Dexter Esq<sup>r</sup> is joined. [*Passed January 28.*]

## CHAPTER 111.

### VOTE CHOOSING THOMAS CUSHING, ESQ<sup>R</sup>, COMMISSARY GENERAL AT FORT POWNALL.

Legislative  
Records of the  
Council, xxix.,  
438. Mass.  
Archives, cxx.,  
635.

House Jour-  
nal, p. 193.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of Civil officers for the present year, when Thomas Cushing Esq<sup>r</sup> was chosen the officer for purchasing provisions and other necessaries for carrying on the Truck Trade at Fort Pownall, by a major vote of the Council and House of Representatives. [*Passed January 28.*]

## CHAPTER 112.

### VOTE CHOOSING HARRISON GRAY PROVINCE TREASURER.

Legislative  
Records of the  
Council, xxix.,  
438.

House Jour-  
nal, p. 193.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil officers for the present year, when Harrison Gray Esq<sup>r</sup> was chosen Treasurer and Receiver General for the Province by a major vote of the Council and House of Representatives. [*Passed January 28.*]

## CHAPTER 113.

### VOTE CHOOSING JAMES RUSSELL COMMISSIONER OF IMPOST.

Legislative  
Records of the  
Council, xxix.,  
438. Mass.  
Archives,  
lxvi., 323.

House Jour-  
nal, p. 193.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil officers for the present year, when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major vote of the Council and House of Representatives. [*Passed January 28.*]

## CHAPTER 114.

### VOTE CHOOSING JEDIDIAH PREBLE, JR., TRUCK MASTER FOR FORT POWNALL.

Legislative  
Records of the  
Council, xxix.,  
439. Mass.  
Archives, cxx.,  
635.

THE TWO HOUSES according to agreement proceeded to the choice of Civil officers for the present year, when M<sup>r</sup> Jedediah Preble jun<sup>r</sup> was chosen Truckmaster for Fort Pownall by a major vote of the Council & House of Representatives.<sup>1</sup> [*Passed January 28.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 115.

## VOTE CHOOSING NOTARIES PUBLIC.

THE TWO HOUSES according to agreement proceeded to the choice of Civil officers for the present year, when the undermentioned Persons were chosen public notaries by a major vote of the Council and House of Representatives.

Legislative  
Records of the  
Council, xxix.,  
439. Mass.  
Archives,  
xliv., 731.

House Jour-  
nal, pp. 193, 194.

Suffolk	For the Port of Boston . . .	{ Mr Dudson Kileup Mr Henry Alline jun <sup>r</sup>
Essex	{ Salem . . . . .	John Nutting Esq <sup>r</sup>
	{ Ipswich . . . . .	Mr Samuel Sawyer
	{ Marblehead . . . . .	Mr Thomas King
	{ Newburyport . . . . .	William Atkins Esq <sup>r</sup>
Middlesex	{ Gloucester . . . . .	Daniel Witham Esq <sup>r</sup>
	{ Charlestown . . . . .	Mr Nathaniel Gorham
Plymouth	{ Plymouth . . . . .	Mr Ephraim Spooner
Barnstable	{ Barnstable . . . . .	Solomon Otis Esq <sup>r</sup>
	{ Falmouth . . . . .	Mr Joseph Parker
	{ Welfleet . . . . .	Mr Winslow Lewis
	{ Chatham . . . . .	Mr Joseph Doane
Bristol . . . . .		{ Jerathmeel Bowers Esq <sup>r</sup>
Dukes County	Edgartown . . . . .	{ Elisha Tobey Esq <sup>r</sup>
Nantucket		Mr John Pease jun <sup>r</sup>
York	{ York . . . . .	Mr Stephen Hussey
	{ Kittery . . . . .	Daniel Moulton Esq <sup>r</sup>
	{ Wells . . . . .	Charles Channey Esq <sup>r</sup>
	{ Falmouth . . . . .	Jn <sup>o</sup> Wheelwright Esq <sup>r</sup>
Cumberland		Mr Jonathan Webb
Lincoln . . . . .		Mr Thomas Moulton

[*Passed January 28.*

## CHAPTER 116.

## RESOLVE IMPOWERING HANNAH MANSFIELD TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Mansfield Widow of Joseph Mansfield late of Salem in the County of Essex deceased Setting forth, That her Husband has been dead twenty five years, and at the time of his death left one only Child, a daughter now living, who is non compos mentis, and whom the Petitioner has by her own labour hitherto supported, but is now through the infirmities of old age rendered incapable of doing it any longer That her said Husband left no Estate except about twenty poles of Land in Salem afore-said which she has now an opportunity of selling to advantage. And praying that she may be empowered to make sale of the premises to enable her to support herself and her said daughter.

Legislative  
Records of the  
Council, xxix.,  
439.

House Jour-  
nal, pp. 172,  
177 & 193.

[Read and]

*Resolved* on the Petition of Hannah Mansfield that the prayer be granted, and that the Petitioner be and hereby is empowered (with the consent of the Overseers of the poor of the Town of Salem) to make sale of the Real Estate in said Petition mentioned for the most it will fetch, and make and execute a good Deed or Deeds thereof, and that the proceeds thereof be laid out for the support of the Widow and her non compos daughter. [*Passed January 28.*

## CHAPTER 117.

## RESOLVE ALLOWING £100 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council, xxix.,  
442.

House Jour-  
nal, pp. 171, 177,  
198. *Ante*,  
p. 670, chap. 99.

A PETITION of Thomas Flucker Esq<sup>r</sup> Secretary of the Province Praying for an allowance to enable him to pay for assistance in his office the year past.

[Read and]

*Resolved* that there be allowed and paid out of the public Treasury to the hon<sup>ble</sup> Thomas Flucker Esq<sup>r</sup> Secretary of this Province the sum of one hundred pounds to enable him to pay for assistance for one year ending the sixth day of December last. [*Passed January 30.*]

## CHAPTER 118.

## RESOLVE CONFIRMING 200 ACRES OF LAND TO BERIAH TREE.

Legislative  
Records of the  
Council, xxix.,  
443.

House Jour-  
nal, pp. 24,  
85 *bis*, 173, 197,  
198. *Ante*,  
p. 558, chap. 52.

*Resolved* that the three plans hereunto annexed, one plan containing one hundred acres, bounded as follows viz<sup>t</sup> beginning at a Stake and stones at the South E<sup>t</sup> corner of Deacon Brown's grant on the N line of Dean and Douglass's grant, and from thence run E<sup>t</sup> 12° n 120 rods to a small Beach staddle and Stones on the n Line of Dean's grant, then n 4° W<sup>t</sup> 137 rods to a small maple marked & stones just by a large red Oak, then W<sup>t</sup> 12° S<sup>b</sup> 120 rods to a Witch basel marked and Stones then S<sup>t</sup> 4° E<sup>t</sup> to the first mentioned bounds another plan containing Sixty acres bounded as follows viz<sup>t</sup> beginning at a Stake and Stones on the East line of Pittsfield and at the Southeast corner of the Ashuelot equivalent and from thence run East 10° S 150 rods on the South line of the Equivalent to a maple tree marked and Stones, then S 28° W<sup>t</sup> 36 rods to a Stake and stones then W<sup>t</sup> 20° n 36 rods to a stake and stones, then S 24° W<sup>t</sup> 60 rods to a heap of Stones, then W<sup>t</sup> 10° n 80 rods to a Stake and Stones on the east line of Pittsfield, then n 19° E<sup>t</sup> 85 rods on said line to the first mentioned bounds the other plan containing forty acres, bounded as follows viz<sup>t</sup> beginning at a Stake and Stones just by a large beach standing in the East line of a Grant of Land made to Asa Douglass and others called Douglass's new Grant, said Tree is n 26° E<sup>t</sup> 280 rods from the Southeast corner of said grant, and from the said tree and stake and stones run east one hundred rods to a Stake and stones by the road from Lanesborough to Albany and eight rods W<sup>t</sup> of Lanesborough W line, then n 16° W<sup>t</sup> 70 rods to a Stake, then W 100 rods to the east line of Douglass's grant, then S 16° E 70 rods to the abovementioned Beach tree or Stake and Stones, be accepted and hereby is confirmed unto Beriah Tree his Heirs and assigns forever to satisfy part of a grant of one thousand and ninety five acres of Land made to the said Beriah Tree in June AD 1771 another plan containing eight hundred and ninety five acres lie on file till further order, in the mean time the said Beriah may have a prior right to the same of any future Grantees or claimers under this Province. [*Passed January 30.*]

## CHAPTER 119.

## RESOLVE CONFIRMING SALE OF LAND BY JOHN BROWN, GUARDIAN.

A PETITION of John Brown<sup>1</sup> of Douglass in the County of Worcester Guardian of Oliver Brown of said Douglass a person non compos Setting forth, That in the division of the Real Estate of John Brown late of said Douglass yeoman deceased intestate, there was set off to the said Oliver as his share in said deceaseds Real Estate a tract of Land containing sixteen acres and ninety two rods. That the Petitioner apprehending he had authority to sell the same Land, sold it to one Benaiah Morss for the sum of twenty pounds and gave him a deed thereof. That the said Morss is now dead and his Heirs cannot hold the same Land by virtue of said Deed. And, as what he did was done for the benefit of the said non compos, Praying that the Estate sold as aforesaid may be confirmed.

[Read and]

*Resolved* that the prayer thereof be granted, and that the deed of sixteen acres and ninety two rods mentioned in his Petition made to the said Benaiah Morss shall be as good and valid to convey the Land therein mentioned as if he had before obtained the License of this Court before such deed was made; provided that the said non compos person Oliver Brown mentioned in his Petition had a just and legal title to the same. [*Passed January 30.*]

Legislative  
Records of the  
Council, xxix.,  
444.

House Jour-  
nal, pp. 145, 199.

## CHAPTER 120.

RESOLVE ALLOWING £20 TO THE REV<sup>D</sup> ELI FORBES.

A PETITION of Eli Forbes Setting forth That by leave and Order of this House he hath sent to the Indian Country the Indian Girl committed to his care, the balance of the charge attending the same hath been paid to him. That he has kept the youngest Boy from the 13 day of April last to the 21 day of January instant; Boarded, Instructed and Cloathed him, which, at ten shillings *per* Week, amounts to twenty pounds. And praying that the said Sum may be granted him.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that there be paid out of the public Treasury out of the Interest of Sir Peter Warren's donation the sum of twenty pounds to the Petitioner in full for his Boarding, Cloathing and Instructing the youngest Indian Lad in his petition mentioned from the 13 day of April last until the 21<sup>st</sup> of this instant January. [*Passed January 30.*]

Legislative  
Records of the  
Council, xxix.,  
444.

House Jour-  
nal, pp. 175, 199.  
*Ante*, p. 583,  
chap. 107.

<sup>1</sup> The House Journal, p. 145, reads, John Brewer of Douglass, guardian of Oliver Brewer.

## CHAPTER 121.

RESOLVE IMPOWERING DAVID NAUNANECKAUNUCK, AN INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
445. Mass.  
Archives,  
xxxiii., 566.  
House Jour-  
nal, pp. 177, 199.

A PETITION of David Naunaneekaunuck an Indian belonging to Stockbridge Setting forth That by reason of old age he is unable to maintain himself; he being eighty two years of age, and that his Children are all dead That for his assistance and support, the Indian proprietors of the common Lands in Stockbridge have granted him fifty acres of out Woodland lying in the west part of said Town. And praying that he may be impowered to make sale thereof for his support and maintenance.

[Read and]

*Resolved* That the Prayer thereof be Granted; and that the Petitioner be allowed to sell the Fifty acres of Land in his Petition Mentioned, And Make & Execute a Good & Sufficient Deed or Deeds Thereof To such Purchaser or Purchasers, His Her or Their Heirs & assigns forever To be Holden in Fee: Provided Such Bargain, Sale & Conveyance be, made under the Special & Immediate Direction of Timothy Woodbridge Esq<sup>r</sup> & the Proceeds thereof Shall be Applied by him for the Comfort & Support of the Petitioner. [*Passed January 30.*]

## CHAPTER 122.

RESOLVE ALLOWING £120 ADDITIONAL TO THE TREASURER.

Legislative  
Records of the  
Council, xxix.,  
445. Mass.  
Archives, civ.,  
568.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province acknowledging with gratitude the Grant already made him for his common services the year past, and praying an allowance for his extraordinary services.

[Read and]

Mass.  
Archives, civ.,  
567. House  
Journal,  
pp. 175, 200.  
*Ante*, p. 670,  
chap. 100.

*Resolved* that the Sum of One hundred & Twenty pounds be allowd & paid out of the publick Treasury to the Hon Harrison Gray in full Consideration for his extra Services as Treasurer of this Province as mentiond in this petition. [*Passed January 30.*]

## CHAPTER 123.

RESOLVE IMPOWERING JOHN TAYLOR AND ANNA HIS WIFE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
446.

House Jour-  
nal, pp. 152, 199.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 629,  
chap 21.

A PETITION of John Taylor of Lunenburgh in the County of Worcester Physician and Anna his Wife Guardian to her two Children Fitch Pool and Nancy Pool minors Setting forth, That Fitch Pool late of Boston merchant deceased Father of said minors died siezed and possessed in fee of one full quarter part, as the same now lies in common and undivided, of a certain piece or parcel of Land situate and lying at the westerly part of the said Boston, with the dwelling house, distil house and all the other buildings thereon



standing, together with all the Distils, Worms, Tubs, Tools and utensils belonging to the said distil house, and also of a certain right, title, interest, claim and demand of in and unto all that certain piece or parcel of Land, flatts and Wharfe with a large Warehouse thereon standing situate on the northeasterly side of the Flood gates at the westerly part of Boston aforesaid That said Estate is daily depreciating in its value from a variety of causes; that the expences attending the repairs of part of the premises and overseeing, managing and collecting the Rents of the residue, so much depreciate and lessen the neat income thereof as to make it far less than the interest of what the same will now sell for; and if the sale thereof is now made the hazards of fire and the great inconvenience of holding in common with three other owners will be at an end. And praying that they may be impowered to make sale of the premises for the benefit of said minors, and more especially as the last named Fitch Pool, late husband of the said Anna, in his life time frequently desired that such sale should be made with all convenient speed after his decease.

[Read and]

*Resolved* that the Petitioners be and they accordingly are hereby fully impowered to make sale of the whole of the Estate mentioned in their petition belonging to said minors for the most the same will fetch and make and execute a good and sufficient deed or deeds thereof; they observing the directions of Law relative to the sale of Real Estates by Executors & administrators and first giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of said sale shall be applied as followeth viz<sup>t</sup> one third part thereof be put out at Interest and the Interest thereof allowed Anna Taylor one of the Petitioners as her dower in said Estate during her natural life and also that the other two thirds be put on Interest for the benefit of the minors until they arrive to lawful age respectively, at which time the principal and Interest shall be paid to them in such proportion as they could by Law inherit in case the Estate had not been sold, or to their legal Representatives respectively in case of their or either of their decease before they shall have received the same, and upon the death of Anna Taylor her third part of the sale to be divided amongst the Children of Fitch Pool deceased, or their Representatives in the same proportion. [*Passed January 30.*]

## CHAPTER 124.

### RESOLVE IMPOWERING BENJ<sup>A</sup> CUDWORTH TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Benjamin Cudworth of Boston in the County of Suffolk and one of the Deputy Sheriffs of said County Setting forth, That at the last Session of this Court he preferred his Petition to be relieved from a certain Judgment of Court and Execution obtained against him by one Eliot Elmes of Liverpool in Great Britain Merchant for the reasons in the same Petition set forth That he thereupon obtained an Order on his said Petition that the Justices of the Superior Court at their then next Session at Boston in and for the County of Suffolk might hear him a new on the merits of the said Cause; but, the said Order being imperfect, he could

Legislative  
Records of the  
Council, xxix.,  
446, 448.

Legislative  
Records of the  
Council, xxix.,  
383. House  
Journal,  
pp. 200, 201, 202.  
*Ante*, p. 591,  
chap. 124.

obtain no fruit thereof. And praying that his said Petition may be revived and such Order pass thereon as may be effectual to answer the prayer thereof.

[Read and]

*Resolved* that the Petitioner Benjamin Cudworth be and hereby is allowed a rehearing of the action in his petition mentioned, and he is hereby impowered to bring forward a Writ of Review which shall be served on George Bethune attorney to Eliot Elmes the adverse party fourteen days at least before the next sitting of the Superior Court of Judicature &c in and for the County of Suffolk. And the Justices of the said Superior Court &c are hereby impowered at their next Term at Boston in and for the County of Suffolk to be holden on the third Tuesday of February instant to hear and try the said action make up Judgment and award Execution accordingly. [*Passed February 1.*]

## CHAPTER 125.

Legislative  
Records of the  
Council, xxix.,  
448. Mass.  
Archives,  
xxxiii., 573.

House Jour-  
nal, pp. 171, 202.  
Province  
Laws, xvii.,  
269, chap. 104.

RESOLVE ALLOWING THE ACCOUNTS OF THE GUARDIANS OF THE HASSANAMISCO INDIANS.

*Resolved* that the several accounts of the Guardians of the Hassanamisco Indians are right cast and well vouched, and that the Balance of six Pounds nine Shillings and one penny due to said Indians, the guardians be further accountable for. [*Passed February 1.*]

## CHAPTER 126.

ORDER APPOINTING A COMMITTEE TO SEE TO THE REPAIRS OF THE COURT HOUSE.

Legislative  
Records of the  
Council, xxix.,  
450.

House Jour-  
nal, p. 204.

In the House of Representatives,  
*Ordered* that Mr Speaker, Mr Hancock and Mr Adams with such as the hon<sup>ble</sup> Board may join be a Committee to see to the necessary repairs of the Court House, and also to agree with some suitable person to paint the Rooms that the two Houses usually meet in to transact the public business.

In Council, Read and Concurred and Harrison Gray and James Pitts Esq<sup>rs</sup> are joined. [*Passed February 3.*]

## CHAPTER 127.

Legislative  
Records of the  
Council, xxix.,  
451. Mass.  
Archives, iv.,  
330.

Legislative  
Records of the  
Council, xxix.,  
152, 201 bis, 293,  
295, 350. House  
Journal, p. 206.

ORDER AND RESOLVE IMPOWERING COMMISSARIES FOR SETTLING THE LINE WITH NEW YORK TO MAKE SURVEYS, &c.

*Ordered* and

*Resolved* that the Commissarys who are impower<sup>d</sup> by Act of this Govern<sup>t</sup> to treat with Commissarys who may be appointed by the Govern<sup>t</sup> of New York respecting the Boundary line Between this Province and New York Eastward of Hndsons river be Impower<sup>d</sup>,

and directed at y<sup>e</sup> Expense of this Province to Make all Such Surveys and Admeasurements as they Shall Judge Necessary to Obtain that Exact and precise knowledge of Facts Necessary to be precisely known in order to a Safe and Most Beneficial execution of the Trust Committed to the s<sup>d</sup> Comissarys By the s<sup>d</sup> Act. [*Passed February 3.*]

Province  
Laws, v., 176,  
chap. 18. *Ante*,  
p. 326, chap.  
215.

## CHAPTER 128.

### RESOLVE ALLOWING THE EXPENSES OF THE COMMITTEE ON POND AND BEACH AT EDGARTOWN.

THE COMMITTEE who repaired to Edgartown on the Petition of a number of the Proprietors, freeholders and Inhabitants there, laid before the Court an account of their time and expence in the affair,<sup>1</sup> and prayed an allowance of the same, amounting to the sum of £21.3 whereupon the following Order passed viz<sup>t</sup>

*Resolved* that there be allowed and paid out of the public Treasury to the hon<sup>ble</sup> James Otis Esq<sup>r</sup> Edward Bacon Esq<sup>r</sup> and M<sup>r</sup> Stephen Nye the sum of twenty one pounds, three shillings for their services and expences in repairing to Edgartown agreeably to the Order of his majesty's Council and the house of Representatives on the Petition of John Sumner and others. And that the said sum of twenty one pounds, three shillings be assessed on the said Town of Edgartown and added to their proportion of the Province Tax the next year. [*Passed February 4.*]

Legislative  
Records of the  
Council, xxix.,  
466.

Legislative  
Records of the  
Council, xxix.,  
245, 248, 321, 324,  
335. House  
Journal,  
pp. 208, 209.

## CHAPTER 129.

### RESOLVE APPOINTING A COMMITTEE TO EXAMINE THE CLAIMS IN REGARD TO SALE OF LANDS OF DELINQUENT PROPRIETORS AT ASHFIELD.

WHEREAS doubts haue arisen concerning the validity of the Sales of the Lands of such as were called delinquent Proprietors of the Township of Ashfield in the County of Hampshire, made by the Assessors or Committees of the Proprietors of the said Ashfield for the years 1763-1764 & 1765 and Actions are now depending in the Law for recovering the possession of parcell of said Lands from the persons who purchased the same or from such as hold under them And whereas it will tend to the great disquiet of the said Township if such Sales should be adjudged invalid and insufficient in Law, Therefore

*Resolved* that George Leonard Jun<sup>r</sup> Esq<sup>r</sup> Jedediah Foster Esq<sup>r</sup> and M<sup>r</sup> Thomas Denney be a Committee fully authorized and impowered to repair to the said Town of Ashfield to hear the Committee of the proprietors and also each of the persons or their Representatives whose Lands haue been sold in the years and in manner as aforesaid and to judge and determine what the Lands thus sold were truly worth at the time of the Sales over and above the Sums for which they were in fact sold, together with all the damage which may haue actually accrued to each of the Proprietors of the said Lands respectiue by means of the Sales aforesaid and the Com-

Legislative  
Records of the  
Council, xxix.,  
457. Mass.  
Archives,  
cxviii., 672.

House Jour-  
nal, pp. 201, 202,  
207. Province  
Laws, v., 372-3,  
notes. *Ante*,  
p. 654, chap. 68.

<sup>1</sup> Relating to a certain pond and the beach at Edgartown.—See Legislative Records of the Council, xxix., 455.

mittee are to make report of their doings at the Sessions of this Court in May next that such Order may be then taken for establishing & rendering valid the Sales aforesaid as to the Court shall then appear to be just & equitable And all proceedings in the Law groundred upon the invalidity of such Sales are staid in the mean time. And the Committee of this Court shall give publick notice in all the Boston News papers of the time & place of meeting that so all persons interested may attend if they shall see cause. [*Passed February 5.*]

## CHAPTER 130.

### RESOLVE WITH NOTICE AND STAY OF EXECUTION ON THE PETITION OF JON<sup>A</sup> BURNELL FOR A REHEARING OF AN ACTION.

Legislative  
Records of the  
Council, xxix.,  
460.

House Jour-  
nal, pp. 201, 209,  
210.

A PETITION of Jonathan Burnell of Sherborn in the County of Nantucket Setting forth That an action was brought against him by Crispus Gardner which, by advice of Counsel, was left by rule of Court to Mess<sup>rs</sup> Obed Hussey, Benjamin Barnard and Joseph Nichols That the said Referrees met upon the business, but before they had completed it, the Chairman was under necessity to go to Kennebec; in whose absence the other two, being Brothers, made a report, which the Petitioner thinks is a very unjust one, and in consequence of which Execution is now out against him. And praying that the said Execution may be staid and he be allowed a new hearing of the said Cause.

[Read and]

*Resolved* that the Petitioner notify Crispus Gardner the adverse party by serving him with an attested Copy of said Petition and this order that he may shew cause, if any he have, on the third Wednesday of the next Session of the General Court why the prayer of said Petition should not be granted, and that Execution be staid in the mean time provided the Petitioner give sufficient security to the Sheriff of the County of Nantucket to respond the damages and costs in case Judgment shall be recovered against him at another hearing. [*Passed February 8.*]

## CHAPTER 131.

### RESOLVE IMPOWERING ROB<sup>T</sup> PIERPONT, GUARDIAN, TO COMPLETE AN AGREEMENT.

Legislative  
Records of the  
Council, xxix.,  
460.

House Jour-  
nal, pp. 207, 213,  
214.

A PETITION of Robert Pierpont of Boston in the County of Suffolk Gen<sup>l</sup> as he is Guardian to his daughter Elizabeth Pierpont who is Grand daughter of John Morey late of Roxbury in the same County Gent<sup>a</sup> deceased Setting forth, That the said John Morey died siezed of a large Real and personal Estate which fell to John Morey now of Roxbury Gentleman, his only Son, Mary Turell, his daughter Wife of Joseph Turell, and the said Elizabeth Pierpont his grand daughter, being the only surviving Heirs of the said deceased; which same Estate, both Real and personal, so descended, the said John Morey the Son, Joseph Turell and Mary Turell his Wife, in her right, and Robert Pierpont as Guardian to the said Elizabeth Pier-

pont, the parties interested therein as aforesaid, have to avoid contention and further mutual benefit agreed upon a certain division of the same to and among each other in proportion to their several rights; and so much of that part of the said Real Estate of said deceased which lieth in the Colony of Connecticut being by said agreement to be set off and assigned by the said John Morey the Son to the said Elizabeth Pierpont as is her full part & inheritance of and in the Estate of her said Grandfather, final and sufficient discharges therefor ought to be executed to the said John Morey, the Son, but she being a minor cannot by Law make and execute such discharges. And praying that he may be impowered as Father and Guardian of the said minor to perfect the said agreement and to execute such Deeds or other Instruments as may be necessary and effectual for that purpose.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner be and he accordingly is hereby fully impowered to finish and complete the argeement in his Petition mentioned and make and execute such Deeds, Releases and discharges in behalf of his daughter Elizabeth Pierpont and receive to her use such Deed or Deeds and conveyances of her part of the Estate to her of right belonging as is in his petition mentioned according to said agreement as is equitable and just to the compleating thereof; which being so done shall for the future be an effectual bar to any demand his said daughter or any person or persons under her on account of her right by inheritance in said Estate; provided always that what shall be done in this behalf by the said Robert shall be under the direction, advice and express consent of the Judge of Probate for the County of Suffolk. [*Passed February 8.*]

## CHAPTER 132.

### RESOLVE CONFIRMING LAND TO SAM<sup>L</sup> PIERCE.

A PETITION of Samuel Pierce Setting forth, That on the 23<sup>d</sup> day of April last the General Court was pleased to grant him a Tract of unappropriated Land, then supposed to contain one thousand acres, lying between Charlemont and Deerfield River, particularly described in the said Grant, on condition that he gave security to pay four pence p acre for the said Land That he has caused to be taken and returned to this Court a plan of the said Grant, whereby it appears that the same contains nine hundred and eighty eight acres only which he prays may be now confirmed That the Court at the same time granted him fifty acres of Land lying under Hoo-suck mountain on the west side of Deerfield River, in consideration of his services in making and repairing a Road up the said mountain That he has taken the liberty to lay out some Province Land in addition to the said fifty acres, lying all in one piece, agreeable to the plan exhibited. And praying that the said plan may be confirmed notwithstanding its deviation from the Grant upon his giving security to pay a reasonable sum of money for the Land contained in the said plan over and above the Grant aforesaid, being thirty acres.

[Read and]

Legislative  
Records of the  
Council, xxix.,  
461.

Legislative  
Records of the  
Council, xxix.,  
305. House  
Journal,  
pp. 211, 212,  
213. *Ante*,  
p. 597, chap.  
135.



*Resolved* that nine hundred and eighty eight acres (besides allowance of eighty two acres for swag of Chain) bounded Easterly on Charlemont line seven hundred and thirty eight rods to a maple tree in the South line of ten thousand acres granted to Cornelius Jones and then runing West six degrees north bounding on said Jones's Land 180 rods to a Beach tree, then South 35 degrees West 50 rods, then South 20 degrees West 20 rods, then South 10 degrees West forty rods to a Brook called Pelham Brook, and thence running down the Brook bounding on the same to Deerfield River and so bounding on the East side of Deerfield River to said Pierce's Land and on said Pierce's Land to Charlemont line. And also another piece of Land lying on the West side of Deerfield River and bounded Easterly thereon and at the South end the line runs from the River West 5 degrees South 32 rods to a Beach marked then north 36 degrees West 48 rods to a maple, then north 11 degrees West 46 rods to a maple, then north 12 degrees East 60 rods and a half to a maple, then north 28 degrees East 60 rods to a beach, then north 16 degrees east 42 rods to a maple then north 12 degrees east 84 rods to a Beach on the bank of said River; the afore-described Lands be and hereby are confirmed to the said Samuel Pierce his Heirs & assigns forever; he giving sufficient security to the Province Treasurer for the use of the Province for the sum of Seventeen pounds to be paid within twelve months from this time with lawful Interest for the same until paid. [*Passed February 8.*]

## CHAPTER 133.

RESOLVE IMPOWERING ANNA CONANT, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
463.

House Jour-  
nal, pp. 205, 213.  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of Anna Conant, formerly Anna Fisk, Guardian to Stephen Fisk and James Fisk minors and Sons of Stephen Fisk late of Greenwich in the County of Hampshire Yeoman deceased Setting forth, That in the division of the Real Estate of the said deceased there was set off to the said Stephen six acres of Land chiefly under improvement which lies 172 rods in length and five rods and an half wide, together with half the buildings belonging to said Estate, and to the said James five acres and sixty rods of the homestead, which lies five rods wide and 172 rods in length, together with thirty acres of Woodland The said Buildings are old and gone to decay, and that the cost of fencing the Lands will amount to near their value. And praying that she may be empowered to make sale of the said Lands and buildings for the benefit of the said minors.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Petitioner is hereby empowered to make sale of the Real Estate as prayed for in the Petition, and make & execute a good and sufficient Deed or Deeds thereof; she observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Hampshire that the proceeds of such sale be put on interest for the benefit of the Heirs thereto; the sum for which each minors part shall be sold together with the accumulated interest, if any,



be paid to such minor at the time he might have received possession of said Real Estate in case the same had not been sold; the Interest arising on the said principal Sums to be applied for the support of the said minors or otherwise added to the principal as the said Judge of Probate shall direct. [*Passed February 8.*]

## CHAPTER 134.

### RESOLVE IMPOWERING DAVID SANDERSON, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of David Sanderson of Petersham in the County of Worcester Guardian of Benjamin Whitney a minor Setting forth, That the said Benjamin is possessed of about thirty acres of Land in said Petersham, settled on him by the Judge of Probate for the said County and which came to him by his late Father Solomon Whitney That the said Benjamin Whitney has a Family to support, but that the Land aforesaid is so disadvantageously situated that it is insufficient for that purpose. And praying that he may be empowered in his said capacity to make sale of the said Land and apply the proceeds of the sale, under the inspection of the Judge of Probate, to the purchasing of other Land for the said minor.

Legislative  
Records of the  
Council, xxix.,  
464.

House Jour-  
nal, pp. 156, 215,  
216.

[Read and]

*Resolved* [that]<sup>1</sup> the prayer of the foregoing Petition be granted, and that the Petitioner David Sanderson be and he accordingly is hereby fully empowered to sell the thirty acres of Land in the Petition mentioned (provided the minor Benjamin Whitney hath legal right thereto) and make and execute a good deed thereof to the purchaser; provided also that the said David do the same under the direction of the Judge of Probate for the County of Worcester and shall dispose of the proceeds of the sale agreeable to the Petition for the benefit of said minor as the said Judge shall order & direct. [*Passed February 8.*]

## CHAPTER 135.

### RESOLVE IMPOWERING EDWARD DAVIS, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Edward Davis of Oxford in the County of Worcester Guardian of Jeremiah Shumeway a minor, and of Abigail Pierce mother of the said minor Setting forth That Jeremiah Shumeway Father of the said minor died siezed of about fifty acres of Land in said Oxford with a House standing thereon; to which the said minor is the only Heir That the said Land is destitute of Wood of any valne either for fuel or fencing; and the fences thereon are out of repair, as also the said dwelling house by reason whereof the said Estate Rents for a small sum of money only. And praying that liberty may be granted to make sale of the premises; the proceeds of the sale to be applied agreeable to Law.

Legislative  
Records of the  
Council, xxix.,  
464.

House Jour-  
nal, pp. 202, 216.  
Province  
Laws, li., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner Edward Davis Esq<sup>r</sup> be and he accordingly is

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xxix., 470.

hereby fully impowered to make sale of the minors Estate in his Petition mentioned for the most the same will fetch and make and execute a good and sufficient deed or deeds thereof, he observing the rules and directions of the Law relative to the sale of Real Estates by Executors and administrators and first giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of said sale shall be applied as followeth viz' two thirds of the same shall be immediately put to Interest for the benefit of said minor, and the Interest of the other third shall be annually paid to his mother Abigail Pierce in lieu of her dower during her natural life, and immediately after her decease the principal of said third shall be paid to him or his legal Representatives, as also the principal and interest of the other two thirds at the time in which by Law he could inherit the Estate in case it had not been sold. [*Passed February 8.*]

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## CHAPTER 136.

### RESOLVE IMPOWERING HENRY LEALAND, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
465.

House Jour-  
nal, pp. 210, 213.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of Henry Lealand Guardian to John Willson Learned and Benjamin Learned minors and Children of Elizabeth Learned deceased who was a daughter of John Willson late of Sherborn in the County of Middlesex Physician deceased intestate Setting forth, That the said John Willson died siezed of a House and about thirty acres of Land in said Sherborn, one third whereof was set off to his Widow as her dower, and the remaining two thirds were assigned to the said Elizabeth Learned and to Mary, Alice, and Sarah, his daughters, as Tenants in common That the said Mary, Alice and Sarah have disposed of their interest in said two thirds and the remaining quarter part of the said two thirds, which now belongs to the said minors, cannot be set off to them and fenced without great cost; besides which the House is going to decay, and the Interest of the money their part will sell for, will amount to more than the same will Rent for. And praying that he may be impowered to make sale of the premises for the benefit of the minors.

[Read and]

*Resolved* that the Petitioner be and he is hereby impowered to make sale of the shares of his respective Wards in the Real Estate in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof to the purchaser or purchasers; he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate &c for the County of Middlesex that the money arising by such sale be put on interest and the Interest also be annually put on interest on good security; the said principal and increase thereof to be paid to said minors at such times and in such proportion as they might respectively inherit said Real Estate in case the same had not been sold. [*Passed February 8.*]

## CHAPTER 137.

## RESOLVE REFERRING THE PETITIONS IN REGARD TO NEW PLYMOUTH COLONY LINE.

Legislative  
Records of the  
Council, xxix.,  
467.

*Resolved* that the hearing before this Court on the Petitions of Jonathan Thayer and others and Jonathan Randall and others [in regard to the New Plymouth colony line] which was to have been had on the morrow, be referred till Wednesday the 16 instant, if this Court shall then be sitting, otherwise till the second Wednesday of the next sitting of the General Court, by reason of the indisposition of the Counsel of one of the parties. [*Passed February 9.*

Legislative  
Records of the  
Council, xxix.,  
430. House  
Journal,  
pp. 191, 217.  
Province  
Laws, v., 274,  
notes. *Ante*,  
p. 659, chap. 76.

## CHAPTER 138.

## RESOLVE ALLOWING £6 AND A FURTHER SUM OF £10.16 TO JOSHUA ELDRIDGE.

A PETITION of Joshua Eldridge of Falmouth in the County of Cumberland Praying an allowance of his account of expences in supporting one Thomas Bulkley a native of Ireland taken sick at his House in the month of April 1770 and also an allowance of the Doctors Bill.

Legislative  
Records of the  
Council, xxix.,  
467.House Jour-  
nal, pp. 145, 214.

[Read and]

*Resolved* that there be allowed and paid out of the public Treasury to Joshua Eldridge the sum of Six pounds in full discharge of the Doctors Bill for attendance and medicines for Thomas Bulkley mentioned in this Petition; also the further sum of Ten pounds, sixteen shillings in full discharge of said Eldridge's account for Boarding and attendance on the said Thomas Bulkley as set forth in said Petition. [*Passed February 9.*

## CHAPTER 139.

## RESOLVE ADJOURNING COURTS IN BERKSHIRE COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas by Law are to be holden at Pittsfield in and for the County of Berkshire on the last Tuesday of February instant: and whereas a number of the Justices of said Court are members of this Court which it is probable will be at that time sitting; and there being many important matters depending in the said last mentioned Court

Legislative  
Records of the  
Council, xxix.,  
469.House Jour-  
nal, p. 219.  
Province  
Laws, v., 46,  
chap. 18.

*Resolved* that the said Court of General Sessions of the peace and Inferior Court of Common pleas be and are hereby adjourned to the second Tuesday in March next, and that every matter or thing that might have had day in the same Courts provided they had not been adjourned shall have day on said adjournment and be acted upon to final Judgment and Execution to all intents and purposes as fully as if no adjournment had taken place. [*Passed February 10.*

## CHAPTER 140.

RESOLVE CONFIRMING EQUIVALENT LAND TO JOSH<sup>A</sup> FULLER AND OTHERS.

Legislative  
Records of the  
Council, xxix.,  
470.

House Jour-  
nal, p. 196.  
*Ante*, p. 593,  
chap. 128.

WHEREAS the General Court on the 11<sup>th</sup> day of June 1771 granted to Cap<sup>t</sup> Joshua Fuller and others a Township of Land<sup>1</sup> (in lieu of a Township taken from them by the settlement of the boundaries of this Province and Newhampshire) to be laid out adjoining to some former Grant, but so it happened that the pilot and Committees who went to lay out and lot said Township were deceived by taking a Hunters line to be the bounds of Sylvester Canada, so called, by means whereof said Township doth not adjoin to said Sylvester as was intended and set forth in a Plan thereof accepted and confirmed on the 22<sup>d</sup> day of April last and whereas application hath been made to this Court in behalf of said Fuller and associates praying that this Court would disannul the former plan and confirm and establish said Township agreeable to the plan hereunto annexed; and the present situation thereof agreeable to said plan being such that it will be more beneficial to the Province and more commodious for Townships that may hereafter be laid out adjoining than it would have been if it had adjoined to Sylvester, or had it remained in an angular form as it was first laid out in order to correspond with said supposed Sylvester line: Therefore

*Resolved* that the former plan of the Township granted to the said Joshua Fuller and others which was confirmed and established on the 22<sup>d</sup> of April last as aforesaid be null and void, and that the plan of said Township hereunto annexed as aforesaid containing twenty five thousand acres (exclusive of the usual allowance of eight hundred and forty acres for swag of chain and nineteen hundred acres for Ponds and Rivers) bounded on Province Land on all parts as followeth viz<sup>t</sup> beginning at a hemlock tree two hundred and fifty two chains from the Southwest corner of Sylvester Canada; thence north fourteen degrees West seven hundred and seventy seven chains to a Stake and Stones thence South sixty eight degrees thirty minutes West three hundred and sixty chains to a Stake and Stones, thence South fourteen degrees East seven hundred and seventy seven chains to a Stake and Stones, thence north sixty eight degrees thirty minutes East three hundred and sixty eight chains to the hemlock tree first mentioned granted as aforesaid to the said Joshua Fuller and others mentioned in their Petition be accepted and hereby is confirmed to the said Petitioners their Heirs and assigns forever in lien of the Land contained in the Plan disannulled as aforesaid, they complying with the following conditions viz<sup>t</sup> the Grantees within seven years settle sixty Families in said Township, build a House for the public worship of God and settle a learned Protestant minister, and lay out one sixty fourth part of said Township for the first settled minister, one sixty fourth part for the use of the ministry, one sixty fourth part for the use of a School, and one sixty fourth part for the use of Harvard College forever; provided it doth not exceed the quantity aforementioned, nor interfere with any former Grant.<sup>2</sup> [*Passed February 11.*]

<sup>1</sup> Paris, Maine. — Maine Register. Not found in Maps and Plans.

<sup>2</sup> The final action on this chapter not found in the House Journal.

## CHAPTER 141.

## RESOLVE GRANTING 500 ACRES OF EQUIVALENT LAND TO ROSS AND HEZEKIAH WYMAN.

A PETITION of Ross Wyman of Shrewsbury and Hezekiah Wyman of Woburn Setting forth, That their Father Seth Wyman was an Ensign under Cap<sup>t</sup> John Lovewell in the engagement with the Indians at Pigwacket in the year 1725 That the General Court some time after granted to the officers and Soldiers who were in that engagement a Tract of Land for a Township at a place called Suncook as a gratuity for their extraordinary services; which Township, after the Grantees had performed the duties enjoined by the Grant, fell into the Province of Newhampshire upon runing the line between that Province and this. And praying for a Grant of unappropriated Land in lieu of their said Fathers interest in the said Township.

[Read and]

*Resolved* that their be Granted to Ross Wyman & Hezekiah Wyman their Heirs and assignns Five Hundred Acres of Land to be Laid out in the unappropriated Lands Belonging to this Province in the westerly part thereof to Satisfy the Grant in the Petition mentioned. which the Said Seth Wyman Deces<sup>d</sup> Lost in Runing the Line Between this Province and New Hampshire and that the Petitioners at their own Cost Cause the Same to be Laid out by a Skillful Surveyer & Chainmen under Oath and Return a Plan or Plans of the Same to this Court for Confirmation within Twelve months. [*Passed February 12.*]

Legislative  
Records of the  
Council, xxix.,  
473. Mass.  
Archives,  
cxviii., 666.

House Jour-  
nal, pp. 176, 223,  
224. Province  
Laws, xi., 434,  
chap. 67.  
*Ante*, p. 43,  
chap. 82.

## CHAPTER 142.

## RESOLVE DIRECTING NOTICE AND STAY OF EXECUTION ON THE PETITION OF GEORGE DUDLEY FOR A REHEARING OF AN ACTION.

A PETITION of George Dudley of Stockbridge in the County of Berkshire Clothier Setting forth That he having received a piece of Cloth of one Elisha Martindale of Lenox in the said County, to dress, refused to deliver the same to the said Martindale without payment for dressing the same, which the said Martindale refused to make; soon after which the Petitioners Shop was broke open and the said Martindales Cloth and four other pieces of Cloth were stolen; whereupon the said Martindale brought an action against him for damages, at an Inferior Court of Common pleas held for the said County; at which Court he obtained his case That the said Martindale appealed to the then next Superior Court; at which Court, by consent of the Counsel for the parties, the said Case was submitted to the determination of the Judges; three of whom were of opinion that the Petitioner had not a right to detain the said Cloth as aforesaid, but the Chief Justice was of a different opinion; by which Judgment the Petitioner is subjected to a large Bill of costs and damages, and by which he thinks himself greatly aggrieved. And praying that Execution on the said Judgment may be staid, and that he may be allowed a Review of the said Cause.

Read and

Legislative  
Records of the  
Council, xxix.,  
474. Mass.  
Archives, lix.,  
586.

Mass.  
Archives, lix.,  
584-591. House  
Journal,  
pp. 176, 223.



*Resolved* that the petitioner Notify the adverse party Elisha Martindale by Serving him with an attested Copy of the foregoing Petition and this order thereon that he may have Opportunity on the Second Wednesday of the next Session of the Gen<sup>l</sup> Court to Shew Cause (if any [he] have[]) why the prayer thereof should not be Granted and that the Execution mentioned in Said petition be Staid in the mean time provided the petitioner Give Sufficient Security to the Sherriff of the County of Berkshire to Respond the Damages and Costs which may be Recovered Against him upon another tryal if the Same Should be Granted. [*Passed February 12.*]

## CHAPTER 143.

### RESOLVE GRANTING 1,700 ACRES OF EQUIVALENT LAND TO JOHN HILL, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xxix.,  
476.

Legislative  
Records of the  
Council, xxvi.,  
72. House  
Journal,  
pp. 176, 225.  
*Ante*, p. 43,  
chap. 82.

A PETITION of John Hill Esq<sup>r</sup> of Boston Setting forth, That upon runing the line between this Province and the Province of New hampshire, he lost Seventeen hundred acres of Land which fell into the last mentioned Province viz<sup>t</sup> eight hundred and fifty acres in the Township number seven in the line of Towns, and the like quantity of Land in the Township of Peterborough That in the year 1765 a Grant of Land in compensation for his said loss passed the two Houses, but the then Governor did not sign the same. And praying for a Grant of unappropriated Land in satisfaction for his loss aforementioned.

[Read and]

*Resolved* that in lieu of the Lands mentioned in the Petition there be granted to the Petitioner his Heirs and assigns seventeen hundred acres of the unappropriated Lands belonging to this Province to be laid out on the easterly side of Saco River adjoining to some former Grant, and that a plan thereof taken by a Surveyor and Chainmen under Oath be returned into the Secretary's office within twelve months for confirmation. [*Passed February 15.*]

## CHAPTER 144.

### RESOLVE GRANTING TO W<sup>m</sup> GOODRICH LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council, xxix.,  
497. Mass.  
Archives, cxi.,  
571.

Mass.  
Archives, cxi.,  
570. House  
Journal, p. 221.

A PETITION of William Goodrich of Stockbridge Setting forth, That he has good accommodations and his House is well situated for the entertainment of Travellers. And, as the time by Law for granting Licenses in the County of Berkshire is expired, Praying that the Court of General Sessions of the peace for the said County at the next Term may be empowered to grant him a License for that purpose.

[Read and]

*Resolved* that the Prayer of the Petition be Granted And that the Justices of the Court of General Sessions of [the]<sup>1</sup> Peace for the County of Berkshier be empowered at there next Sessions to Grant

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xxix., 508.



the within named William Goodrich licence for keeping a house of Publick Entertainment Provided the Said Goodrich Obtain the approbation of the Selecmen of the town of Stockbridge.<sup>1</sup> [*Passed February 19.*]

## CHAPTER 145.

### RESOLVE IMPOWERING RUTH EAMES, EXECUTRIX, TO EXECUTE A DEED.

A PETITION of Ruth Eames Executrix of the last Will and Testament of Jonathan Eames late of Hopkinton deceased Setting forth, That the said Jonathan in his life time by bargain and contract sold a certain piece of Land in Framingham containing thirty acres to his Brother Joseph Eames of said Framingham for and in consideration of ten acres of Land which lay contiguous to the Farm of the said Jonathan, and of the sum of £27.13.4 lawful money; which bargain and sale being thus made and concluded on, the purchasers took possession of the said pieces of Land and occupied the same; but that the said Jonathan died, suddenly, without executing a deed of the said thirty acres of Land to the said Joseph Eames. And praying that she may be impowered to give Deed thereof to the said Joseph according to the true intent of the said bargain.

[Read and]

*Resolved* that the prayer thereof be granted, and the Petitioner is hereby fully impowered to execute to the said Joseph Eames a good Deed in Law of the said thirty acres of Land as prayed for in the Petition, which Deed so made shall convey said Land to all intents and purposes as effectually as if said Deed had been executed by the said Jonathan Eames in his life time, provided the conditions of the bargain in the Petition mentioned shall have been on the part of the said Joseph Eames, according to the true intent and meaning of said bargain, fulfilled & performed. [*Passed February 22.*]

Legislative  
Records of the  
Council, xxix.,  
503.

House Jour-  
nal, pp. 216, 251,  
252.

## CHAPTER 146.

### RESOLVE IMPOWERING JOSEPH WARREN, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Joseph Warren of Boston in the County of Suffolk Physician administrator of the Estate of Nathaniel Wheelwright late of said Boston Esq<sup>r</sup> deceased intestate Setting forth That the Estate of the said deceased is insufficient to pay his just debts and has been represented Insolvent That at an Inferior Court of Common pleas held at Ipswich in and for the County of Essex in March 1768 the Petitioner recovered against Joseph Dowse the possession of a certain wooden dwelling house with about one acre and an half of Land thereto adjoining situate and lying in Salem in the County of Essex That the time of redemption of the said premises is expired and the time for any appeal or Review is past, so that nothing is now in the way to hinder the sale of the premises and applying the proceeds of sale to the purposes of the administration aforesaid.

Legislative  
Records of the  
Council, xxix.,  
503.

House Jour-  
nal, pp. 219, 252.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> The final action on this chapter not found in the House Journal.

And praying that he may be impowered to make sale of the premises accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully impowered to sell the House and Land in his Petition mentioned and make and execute a good and sufficient deed or deeds thereof; he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and first giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of such sale shall be applied for the payment of the Debts of the deceased agreeable to Law. [*Passed February 22.*]

## CHAPTER 147.

RESOLVE APPOINTING A COMMITTEE ON THE VALUATION OF A PORTION OF THE LAND CONTAINED IN THE PLAN NOW OFFERRED FOR CONFIRMATION.

Legislative  
Records of the  
Council, xxix.,  
505. Mass.  
Archives, xiv.,  
682.

House Jour-  
nal, pp. 199, 252,  
253. *Ante*,  
p. 587, chap.  
115.

A PLAN of two hundred acres of Land laid out to satisfy a Grant made to the Rev<sup>d</sup> George Throop was presented for allowance, bounded as follows viz<sup>t</sup> “beginning at the northwest corner of a Grant called Furnass’s Grant and running South 18° 30’ West 218 rods, from thence S 71° 30’ E 144 rods to Blanford line, thence n 18° 30’ E 236 rods on Blanford Line to the n E corner of said Grant; from thence to the first station.” whereupon the following Order passed viz<sup>t</sup>

Whereas the General Court, at their Session in April 1772, in Consideration of the pious Labours of M<sup>r</sup> George Throop, among a Number of poor People in a Plantation called Tyingham Equivalent, did grant to the said George Throop Two Hundred Acres of the unappropriated Land called Furnass’s Grant, belonging to the Province, in said Plantation, To have & to hold to him the said George Throop, his Heirs & Assigns, on Condition he should continue to preach the Gospel to the People aforesaid, for the Term of five Years, from the eighteenth of said Month of April, or until his Death, in Case it should happen within the said Term:

And whereas Ephraim Pelton, late of Granville, in the County of Hampshire, Yeoman, hath represented that he had made considerable Improvements on a Part of said Land, prior to the Grant thereof to the said George Throop as aforesaid, and hath prayed the Consideration of this Court thereon: Therefore

*Resolved*, That John Chadwick and Daniel Brown Esq<sup>rs</sup> and Isaac Garfield, be and hereby are authorised and impowered to estimate and determine what was the real Value of Eighty Acres of said Land, in it’s original and unimproved State, lying together and in one Piece, and including the Land on which the Improvements have been made as aforesaid; and that the same be and hereby is granted to the said Ephraim Pelton, his Heirs & Assigns, on Condition that he shall pay to the said George Throop such Sum or Sums of Money as said eighty Acres shall have been estimated at as aforesaid; and that the Remainder of said Two Hundred Acres, contained in a Plan now returned to this Court, by the said George Throop, for Confirmation, be and hereby is confirmed to him, his Heirs & Assigns, on the Conditions expressed in the Grant made on the eighteenth Day of April, 1772, as aforesaid. [*Passed February 23.*]

## CHAPTER 148.

## ORDER IMPOWERING RACHEL MACY TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Rachel Macey Widow of Jabez Macy jun<sup>r</sup> late of Nantucket deceased Praying that she may be impowered to make sale of a piece of Land, about eighteen square rods, in the Town of Sherborne on Nantucket, of which her said Husband died siezed [Read and]

*Ordered* that the prayer thereof be granted, and that the Petitioner be and she accordingly is hereby fully impowered to make sale of the small piece of Land in her Petition mentioned for the most the same will fetch, and make and execute a good deed thereof, provided she observes the rules of the Law for the sale of Real Estates by Executors and administrators and first give sufficient security to the Judge of Probate for the County of Nantucket that all the just debts, if any, of her late husband be first paid out of the proceeds of the sale, and the residue be applied for the support, education and future benefit of said Child as in the Petition prayed for. [*Passed February 24.*]

Legislative  
Records of the  
Council, xxix.,  
507.

Legislative  
Records of the  
Council, xxix.,  
83. House  
Journal,  
pp. 216, 251.  
Province  
Laws, ii., 161,  
chap. 10.

## CHAPTER 149.

RESOLVE ALLOWING £26. 6. 8 TO EBEN<sup>r</sup> & SILAS HATHEWAY, EXEC<sup>rs</sup>.

A PETITION of Ebenezer Hatheway and Silas Hatheway of Freetown in the County of Bristol Executors of the last Will and Testament of their late Father Ebenezer Hatheway late of said Freetown Esq<sup>r</sup> deceased Setting forth That their said Father in October 1741 purchased of the Province two tracts of Land lying in the Town of Plymouth, one containing six hundred acres and the other one thousand acres, for which he paid two hundred & eighty pounds to Edward Hutchinson Esq<sup>r</sup> the then only surviving Trustee of the Province for the first fifty thousand pounds loan, so called, as by his Deed appears That before the date of the said deed and ever since, one half of the said six hundred acres hath been lawfully possessed by the Heirs of one Jirch Swift; which, one half, is more than equal in value to one quarter part of the whole of the Land purchased as aforesaid. And praying the consideration of this Court.

[Read and]

*Resolved* that there be granted and paid out of the public Treasury to Col<sup>o</sup> Thomas Gilbert for the use of the Petitioners Ebenezer and Silas Hatheway, twenty six pounds, six shillings and eight pence in full satisfaction for the loss of three hundred acres of Land mentioned in said Petition that their Father Ebenezer Hatheway late of Freetown deceased purchased of Edward Hutchinson Esq<sup>r</sup> then Trustee for the Province. [*Passed February 24.*]

Legislative  
Records of the  
Council, xxix.,  
508.

House Jour-  
nal, pp. 154, 257.  
Province  
Laws, ii., 502,  
chap. 11; 996,  
chap. 10.

## CHAPTER 150.

RESOLVE IMPOWERING CAP<sup>t</sup> JOSEPH BARNEY & OTHERS TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
513.

House Jour-  
nal, pp. 256, 261.  
Province  
Laws, ii., 151,  
chap. 10; xii.,  
28, chap. 52.

A PETITION of Joseph Barney and others a Committee of the Town of Rehoboth in the County of Bristol Praying that they may be empowered to make sale of a certain tract of Land in said Rehoboth containing about fifteen acres which was purchased by the said Town of one Nathaniel Smith by order of the General Court, and the income thereof appropriated by the said Court for the use of Schooling in the said Town; alledging that the Buildings on the said Land are gone to decay and the Land so impoverished that the Rent falls short of the interest of the money the same will now sell for.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners be and they accordingly are hereby fully empowered to make sale of the Estate in their Petition mentioned for the most the same will fetch, and make and execute a good deed of the same, provided that whatsoever they do relative to the same shall be done by the votes and directions of the Town of Rehoboth at a meeting or meetings wherein the Inhabitants shall be notified of the same agreeable to Law and provided the proceeds be put to Interest and the Interest shall be applied for the maintenance of a School or Schools in said Town and until the said Town shall apply the principal for the purchasing other Land for the maintenance of a School or Schools in said Town agreeable to the design of said Town in the purchase of the Land now ordered to be sold. [*Passed February 25.*]

## CHAPTER 151.

RESOLVE CONFIRMING THE LINE BETWEEN NEW SALEM NEW GRANT AND CAP<sup>t</sup> JOHN ERVING'S GRANT.

Legislative  
Records of the  
Council, xxix.,  
517.

House Jour-  
nal, pp. 256, 262.  
Province  
Laws, xii.,  
330, chap. 240;  
xiv., 574, chap.  
92; 591, chap.  
134. *Ante*,  
p. 655, chap. 69.

WHEREAS the General Court on the 22<sup>d</sup> day of February A D 1743 confirmed a plan of a Tract of Land granted to the Proprietors of New Salem, provided it doth not exceed the quantity of four thousand acres, but it appears by a plan taken in October last (by order of this Court) to contain four thousand three hundred and six acres and an half, exclusive of an allowance of one hundred and fifty acres for a Pond in said Grant, and that no more than four thousand acres doth belong to the said proprietors by the Grant aforesaid it also appears by said plan that the tract of Land sold by order of the General Court to the hon<sup>ble</sup> John Erving Esq<sup>r</sup> A D 1751 (adjoining to New Salem Grant aforesaid) contains but twelve hundred forty five acres and seventy rods; it being seven hundred fifty four acres and ninety rods short of the two thousand acres of Land sold to said Erving (exclusive of Fairbanks and Sons Grant) Therefore

*Resolved* that the dividing Line between New Salem new Grant and the Land sold to said Erving as beforementioned be confirmed as follows viz<sup>t</sup> beginning at a white Oak stake in the north line of New Salem old grant nine hundred sixty three rods E one deg n

from a hemlock tree at the northwest corner of New Salem old grant, then runing from the Stake aforesaid north five hundred & eighty five rods to a Stake on the bank of Miller's River, with the allowance of one rod in thirty for Swag of Chain and that there be paid out of the Province Treasury to said Erving the sum of one hundred thirty one pounds, five shillings in full compensation for the deficiency of the Land he purchased as aforesaid. And that there be refunded to said Erving out of said Treasury the sum of eight pounds, sixteen shillings and three pence for the charges he has been at to run the Lines and ascertain the bounds of the Land he purchased as aforesaid. And that there be paid out of the said Treasury to M<sup>r</sup> Samuel Hinsdale, to repay him, what he paid a Surveyor and Chainmen for measuring the aforementioned Lands and running the Lines relative to the same, and for his service in assisting said Surveyor and Chainmen in doing said service the sum of twelve pounds, nine shillings and two pence. And that there be also paid to M<sup>r</sup> Josiah Pierce for his assisting said Surveyor and Chainmen in doing said service the sum of four pounds, seventeen shillings and seven pence. And that there be paid to Cap<sup>t</sup> Ephraim Doolittle for assisting in the same service the sum of fifteen shillings and one penny. [*Passed February 26.*]

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## CHAPTER 152.

RESOLVE IMPOWERING JAMES ROBINSON AND MARY FOSTER, ADMINISTRATORS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Robinson and Mary Foster administrators of the Estate of James Foster late of Dorchester in the County of Suffolk Gent<sup>n</sup> deceased. Praying that they may be impowered to make sale of ten acres and an half of pasture Land belonging to the Estate of the said deceased to enable them to pay his just debts; notwithstanding they have personal Estate in their hands consisting of Stock, utensils and House furniture to the amount of £219, liable by Law to be sold for that purpose; which personal Estate is absolutely necessary for carrying on the business of the Farm and the support of the Family of the deceased.

Legislative  
Records of the  
Council, xxix.,  
518.

House Jour-  
nal, p. 263.  
Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer thereof be granted, and they are hereby impowered to make sale of the ten acres and an half of pasture Land in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof to the person or persons purchasing the same, they observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of such sale be applied for the payment of said debts, and that the residue, if any, be disposed of for the benefit of the Heirs to said Estate according to Law. [*Passed February 26.*]



## CHAPTER 153.

RESOLVE IMPOWERING JACOB ELIOT, EXECUTOR, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
519. Mass.  
Archives, xiv.,  
670.

Mass.  
Archives, xiv.,  
669. House  
Journal,  
pp. 258, 263.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jacob Eliot of Lebanon in the Colony of Connecticut Gen<sup>r</sup> Executor of the last Will and Testament of Jacob Eliot late of said Lebanon Clerk deceased Setting forth, That the personal Estate of the said deceased is not sufficient to pay his just debts by the sum of £144.9.2 That among the Real Estate of the deceased there are some small parcels of Land lying in the different Towns of Brooklyne, Dorchester and Boston in the County of Suffolk in this Province which can be spared by those interested with much greater convenience than any of the said deceaseds Real Estate lying in Connecticut. And praying that he may be impowered to make sale of the Real Estate of the said deceased which lyes in the County of Suffolk aforesaid for the purpose of paying the said debts as far as it will go.

[Read and]

*Resolved* that the Prayer thereof be granted and the Petitioner is hereby empowered to sell the Real Estate in his Petition mentioned, being in the county of Suffolk, for the most the same will fetch and make and execute good and sufficient Deed or Deeds thereof to the Person or Persons purchasing the Same He observing the Laws of this Province for the sale of Real Estates by Executors and administrators, and giving sufficient Security to the Judge of Probate for the county of Windham and Colony of Connecticut, that the Proceeds of said sale be applied for the Purposes in this Petition mentioned. [*Passed February 26.*]

## CHAPTER 154.

RESOLVE IMPOWERING HANNAH WATTS, GUARDIAN, TO SELL LAND  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
520.

House Jour-  
nal, pp. 144, 264.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Hannah Watts of Boston Widow of Bellingham Watts deceased and Guardian to his three Children, namely, Bellingham, Samuel and Hannah, minors Setting forth, That her said Husband died about four years and an half ago, leaving her with three young Children without anything to support or bring them up; since which time the hon<sup>ble</sup> Samuel Watts Esq<sup>r</sup> Grandfather of the said minors has died, and in the division of whose Real Estate, lately made, there hath been set off to the said minors Real Estate estimated at £440 That she has with great fatigue and trouble, and without any assistance from her husbands Relations, endeavoured hitherto to support her Children and thereby has greatly involved herself, and that there is a considerable sum of money now due to the Doctor for her Children's sickness. And praying that she may be impowered to make sale of a small piece of Salt marsh at Cherry Island and part of some meadow Land in Chelsea (which may be disposed of without any detriment to the said minors other Real Estate) for her relief.

[Read and]



*Resolved* that the prayer thereof be so far granted as that the Petitioner be and she is hereby impowered to make sale of the small piece of Salt marsh mentioned in her Petition for the most the same will fetch, and make and execute a good & sufficient deed or deeds thereof to the purchaser or purchasers, she observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the money arising by said sale be applied for the present and future benefit and support of the Heirs to said Estate, and that she will duly account with the said Judge of Probate for the same. [*Passed February 27.*]

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## CHAPTER 155.

RESOLVE ALLOWING £6. 15. 11 TO THE COMMITTEE APPOINTED TO REPORT ON THE FIRE IN THE TOWN OF SANDWICH.

In the House of Representatives

*Resolved* that there be allowd & paid out of the publick Treasury to M<sup>r</sup> Isaac Lothrop Thomas Gilbert Esq<sup>r</sup> & M<sup>r</sup> Benjamin Freeman, the Committee sent by this House at the last Session of this Court to view & report a true State of the Sufferers by the fire which happened in the Town of Sandwich in the month of June last, the Sum of Six pounds fifteen shillings & Eleven pence in full for their Expences in that Service.

In Council read & Concurred. [*Passed March 3.*]

Legislative  
Records of the  
Council, xxix.,  
522. Mass.  
Archives,  
lxxxvii., 116.

House Jour-  
nal, pp. 81, 91,  
255.

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## CHAPTER 156.

RESOLVE IMPOWERING GEORGE BLIN, ADM<sup>r</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of George Blin of Boston in the County of Suffolk merchant administrator of the Estate of William Blin late of said Boston deceased Setting forth That the said William Blin died siezed of a parcel of Land with a Brick messuage thereon situate near the Court House in said Boston with its appurtenances, leaving the Petitioner and the Children of his daughter Margaret Flagg as his only legal Heirs and Representatives That the Real Estate aforesaid is in a ruinous state and is subjected by mortgage to the payment of a considerable sum of money and that many of the Children of the said deceaseds daughter Margaret Flagg are very young and unable to support themselves, and that all of them are minors. And praying that he may be impowered to make sale of the Real Estate aforesaid; he accounting with the Judge of Probate for the County aforesaid for the said minors shares in the premises.

[*Read and*]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner be and he accordingly is hereby fully impowered to make sale of the premises in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof, he observing the rules and directions of the Law relating to the sale of Real Estates by Executors and administrators and first giving sufficient security to the Judge of

Legislative  
Records of the  
Council, xxix.,  
537.

House Jour-  
nal, pp. 214, 283,  
284. Province  
Laws, ii., 151,  
chap. 10.

Probate for the County of Suffolk that the proceeds of said sale shall be applied first to discharge all debts due from said Estate and that such proportion of the remainder shall be immediately paid to the Guardian or Guardians of the respective Heirs to be upon Interest for their benefit as they, the said Heirs, could by Law inherit in case the said Estate had not been sold; their several shares to be paid to them as they shall respectively arrive to lawful age or at the time of marriage. [*Passed March 4.*]

## CHAPTER 157.

### RESOLVE CONFIRMING A PLAN OF 500 ACRES OF EQUIVALENT LAND TO FRANCIS FULLAM.

Legislative  
Records of the  
Council, xxix.,  
541.

House Jour-  
nal, pp. 40, 41,  
280, 284, 285.  
*Ante*, p. 622,  
chap. 9.

A PLAN of a Tract of Land laid out to satisfy a Grant of five hundred acres made to Francis Fullam the 11<sup>th</sup> day of June last, taken by a Surveyor and Chainmen under Oath, was presented to the Court, together with a Petition from the said Francis Fullam praying that the said plan may be accepted, and the Land therein contained confirmed to him whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the Plan of five hundred acres of Land hereunto annexed, delineated and described as follows viz<sup>t</sup> beginning at the Southwest corner of Jones's Grant, so called, and running W<sup>t</sup> 6 deg<sup>s</sup> n one hundred and ninety seven rods, thence S<sup>h</sup> 6° W one hundred and fifty rods, thence E 6° S two hundred and fifty two rods, thence S 6° W forty rods, thence E 6° S eighty rods, thence S 6° W eighty rods, thence E 6° S one hundred rods, thence n 6° E two hundred and seventy rods to the South line of said Jones's Grant, thence W 6° n on said line two hundred and forty rods to the first mentioned bounds, be accepted and hereby is confirmed unto Francis Fullam his Heirs and assigns forever in full satisfaction for his proportion of the Grant in his Petition mentioned, which he lost by the running Newhampshire line; provided that it doth not exceed the quantity of five hundred acres, nor interfere with any former Grant. [*Passed March 5.*]

## CHAPTER 158.

### RESOLVE IMPOWERING JOSEPH SABIN, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxix.,  
542.

House Jour-  
nal, pp. 14, 144,  
147. Province  
Laws, II., 151,  
chap. 10.

A PETITION of Joseph Sabin of Dudley in the County of Worcester Yeoman Setting forth That M<sup>r</sup> John Weld late of Sturbridge in the said County Yeoman deceased by his last Will and Testament duly proved and approved gave to his daughter Dorothy, then Wife of the Petitioner, and to her Heirs sixty nine acres and twenty eight rods of wild unimproved Land lying in said Sturbridge, at a distance from any public place of resort That the said Dorothy is now dead and has left one Heir only, a minor of about eleven years of age, and that the said tract of Land, under its present circumstances, cannot be of any advantage to the said minor. And praying that he may be empowered in his capacity of Guardian to the said minor to make sale of the premises.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and he is hereby empowered to make sale of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds of the same to the purchaser or purchasers, he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Worcester that the money arising by said sale be put on Interest, and Interest and principal paid to the Heir to said Estate at such time as said Heir would have inherited said Estate in case the same had not been sold. [*Passed March 5.*]

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## CHAPTER 159.

### ORDER ADVANCING COURTS IN MIDDLESEX COUNTY.

WHEREAS it is represented to this Court that there is more business than common to be transacted at the next Superior Court of Judicature, Court of assize and General Goal delivery to be holden at Charlestown within and for the County of Middlesex on the second Tuesday of April next, and the same Court is by Law to be holden at Worcester within and for the County of Worcester on the third Tuesday of the same month; by which great inconvenience and charge may happen to the Inhabitants of the County of Middlesex. It is therefore

Legislative  
Records of the  
Council, xxix.,  
544.

House Jour-  
nal, p. 287.  
Province  
Laws, v., 44,  
chap. 17.

*Ordered* that the said Superior Court of Judicature, Court of Assize, and General Goal delivery by Law to be holden at Charlestown within and for the County of Middlesex on the second Tuesday of April next, shall be holden at Charlestown within and for the said County this year on the first Tuesday of April next, and that all Writs, processes & Recognizances returnable to and all appeals made to the said Superior Court of Judicature Court of assize and General Goal delivery by Law appointed to be held at Charlestown, and all matters, causes and things that have day or that might have been had, moved or done at, in or by the said Court at the time so appointed for holding the same, shall be returnable to and may be entered, prosecuted had, moved and done at in and by the said Court at the time hereby appointed for holding the same. And that the Sherriff of the County of Middlesex shall take effectual care that this Order be forthwith published and made known through the County aforesaid. [*Passed March 5.*]

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## CHAPTER 160.

### RESOLVE IMPOWERING MARY WINCHESTER, EXECUTRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mary Winchester Widow of Isaac Winchester late of Brookline in the County of Suffolk deceased and Executrix of his last Will and Testament and of Charles Winchester one of the Sons and Heirs of the said Isaac Winchester Setting forth, That the debts

Legislative  
Records of the  
Council, xxix.,  
545. Mass.  
Archives, xix.,  
829.

Mass.  
Archives, xix.,  
829. House  
Journal,  
pp. 264, 285, 286.  
Province  
Laws, II., 151,  
chap. 10.

due from the said deceaseds Estate exceed the personal Estate in the sum of £2,439.11.2¾ and that the Real Estate has been apprizd at £3,169.14.7 which consists partly in Buildings and perishable Estate and is situate in such a manner that making sale of what will discharge the debts, and no more, will leave the remainder in such a bad form as will much lessen its value. And, as the other Son and Heir is a minor, the same cannot be sold without the liberty of this Court, Praying that liberty may be granted for the sale of the whole of the said Real Estate; the proceeds whereof, after payment of the said deceaseds debts, to be applied, as near as may be, according to the Will of the said Testator.

[Read and]

*Resolved* that the prayer of the foregoing Petition be Granted and that the petitioner Mary Winchester be and she accordingly is hereby fully Impowered to make Sale of all the Estate in Her petition mentioned for the most the same will fetch and make and execute a Good and Sufficient Deed or Deeds thereof she observing the Rules and Directions of the Law Relative to the Sale of Real Estates by Executors and administrator And Giving Sufficient Security to the Judge of Probate for the County of Suffolk that the proceeds of Such Sale Shall be applied for the payment of the Debts of the Decs<sup>d</sup> and after Such payment is made that the Remaining part be applied as followeth viz the widow be allowed the Intrest of the same if the Interest do not Exceed one Third in Lieu of Dower During her natural life and the other part (if any be) be applied to the payment of the Legacys And after the Legacys shall be paid: the Remainder if any be shall be to the Residuary Legatees as also the third allowed to the widow after her Decease the Debts and Legacys being first paid and Discharged. [*Passed March 5.*]

## CHAPTER 161.

Legislative  
Records of the  
Council, xxix.,  
546. Mass.  
Archives,  
xli., 604.

RESOLVE GRANTING 300 ACRES OF EQUIVALENT LAND TO EBEN<sup>B</sup> HARTSHORN.

Mass.  
Archives,  
xli., 598-603.  
House Jour-  
nal, pp. 121, 219,  
289. *Ante*,  
p. 323, chap.  
209.

*Resolved* that there be granted to Ebenezer Hartshorn three Hundred Acres of unappropriated Land belonging to this Government to the Eastward of Saco River adjoining some former grant (in full of all considerations both in his Own and his Fathers Right) not interfering with any former grant provided he return a plan thereof to this Court within one year for confirmation taken by a Surveyor & chainman under Oath. [*Passed March 5.*]

## CHAPTER 162.

RESOLVE IMPOWERING JUSTICES TO REOPEN AN AWARD OF REFEREES AND TO FILL A VACANCY IN THEIR NUMBER.

Legislative  
Records of the  
Council, xxix.,  
550.

THE COMMITTEE appointed the 15<sup>th</sup> day of January last on the Petition of Stephen Woodman, [for the rehearing of a cause] made report and the following Order passed viz<sup>t</sup>

*Resolved* that the prayer of said Petition be so far granted that the two surviving Referees who have heard the parties heretofore in the action mentioned in said Petition and reported thereon, together with such other Referee as the Justices of the Inferior Court of Common pleas for the County of Cumberland shall appoint to join with them, and the said Justices are hereby impowered and directed to appoint some proper person for that purpose at the next Inferior Court of Common pleas to be holden at Falmouth in March next, that the Referees, or any two of them, notice being given to all, be and hereby are impowered and directed to hear the parties and to revise and consider the former report; and in case the said Referees find any mistake, in favor of the Petitioner, to rectify the same and report their doings in the premises to the said Court as soon as may be, and the said Court are hereby impowered to accept of the said Referees report and in case said Referees in their report shall make any deduction of the sum found against the said Woodman in the former report, the said Court to order a Record to be made of the sum found to be a mistake in favour of said Woodman and Order thereon accordingly. [*Passed March 6.*]

Legislative  
Records of the  
Council, xxix.,  
190, 387. House  
Journal,  
pp. 159, 264, 265.





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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1773-74.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1773-74.

HIS EXCELLENCY THOMAS HUTCHINSON,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

THOMAS FLUCKER, Esq.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

SAMUEL DANFORTH  
ISAAC ROYALL  
JOHN ERVING  
JAMES BOWDOIN  
JAMES RUSSELL  
JAMES PITTS  
SAMUEL DEXTER  
ARTEMAS WARD  
BENJAMIN GREENLEAF

} Esqrs.

CALEB CUSHING  
TIMOTHY WOODBRIDGE  
SAMUEL PHILLIPS  
JOHN HANCOCK  
HUMPHREY HOBSON  
WILLIAM PHILLIPS<sup>2</sup>  
JOHN WINTHROP  
JOHN ADAMS<sup>2</sup>  
JOHN WHITCOMB

} Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

JAMES OTIS  
WILLIAM SEVER

} Esqrs.

WALTER SPOONER  
JERATHMEEL BOWERS<sup>2</sup>

} Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

JEREMIAH POWELL, JAMES GOWEN & JEDEDIAH PREBLE, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;*

WILLIAM BRATTLE, Esq.

<sup>1</sup> See Legislative Records of the Council, xxx., 1-7.

<sup>2</sup> Rejected by the Governor. See Legislative Records of the Council, xxx., 7.

*For the Province, at large:—*

GEORGE LEONARD, JR., &amp; JAMES HUMPHREY, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

MR. THOMAS CUSHING, SPEAKER.

*May 26, 1773 to March 9, 1774.*

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Thomas Cushing, Esq., Mr. Samuel Adams, John Hancock, Esq., William Phillips, Esq.
<i>Roxbury</i> , . . .	Capt. William Heath.
<i>Dorchester</i> , . .	Mr. Samuel Howe.
<i>Milton</i> , . . .	Mr. Josiah Howe.
<i>Braintree</i> , . .	Ebenezer Thayer, Jr., Esq
<i>Weymouth</i> , . .	Mr. Nathaniel Bayley.
<i>Hingham &amp; Cohasset</i> , . .	{ Benjamin Lincoln, Esq.
<i>Dedham</i> , . . .	Mr. Abner Ellis.
<i>Medfield</i> , . .	Mr. Moses Bullen.
<i>Wrentham</i> , . .	Mr. Jabez Fisher.
<i>Brookline</i> , . .	Capt. Benjamin White.
<i>Walpole</i> , . . .	Mr. Enoch Ellis.
<i>Stoughton, and Stoughtonham</i> , . .	{ Mr. Hezekiah Gay.

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	Richard Darby, Jr., Esq., Mr. John Pickering.
<i>Danvers</i> , . . .	Doctor Samuel Holton.
<i>Ipswich</i> , . . .	Capt. Michael Farley.
<i>Newbury</i> , . . .	Joseph Gerrish, Esq.
<i>Newburyport</i> , .	Capt. Jonathan Greenleaf,
<i>Marblehead</i> , . .	{ Mr. Elbridge Gerry, Azor Orne, Esq.
<i>Lynn</i> , . . .	Ebenezer Burrill, Esq.
<i>Andover</i> , . . .	Mr. Moody Bridges.
<i>Beverly</i> , . . .	Capt. Henry Herrick.
<i>Rowley</i> , . . .	Humphrey Hobson, Esq.
<i>Salisbury</i> , . .	Mr. Samuel Smith.
<i>Haverhill</i> , . .	Mr. Jonathan Webster.
<i>Gloicester</i> , . .	Nathaniel Allen, Esq.
<i>Topsfield</i> , . .	Mr. John Gould.
<i>Boxford</i> , . . .	Aaron Wood, Esq.
<i>Almsbury</i> , . .	Isaac Merrill, Esq.
<i>Bradford</i> , . .	Capt. Daniel Thurston.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Capt. Thomas Gardner.
<i>Charlestown</i> , .	Mr. Nathaniel Gorham.
<i>Watertown</i> , . .	Capt. Jonathan Browne.
<i>Woburn</i> , . . .	Mr. Samuel Wyman.
<i>Concord</i> , . . .	Capt. James Barrett.
<i>Newton</i> , . . .	Abraham Fuller, Esq.
<i>Reading</i> , . . .	Samuel Bancroft, Esq.
<i>Marlborough</i> , .	Mr. Peter Bent.
<i>Billerica</i> , . . .	William Stickney, Esq.
<i>Frammingham</i> , .	Capt. Josiah Stone.
<i>Lezington</i> , . .	Mr. Jonas Stone.
<i>Chelmsford</i> , . .	Mr. Simeon Spaulding.
<i>Sherburne</i> , . .	Mr. Joseph Twitchell.
<i>Sudbury</i> , . . .	Mr. Thomas Plympton.
<i>Malden</i> , . . .	Capt. Ebenezer Harn- den.
<i>Medford</i> , . . .	Mr. Benjamin Hall.
<i>Weston</i> , . . .	Elisha Jones, Esq.
<i>Hopkinton</i> , . .	John Willson, Esq.
<i>Waltham</i> , . . .	Jonas Dix, Esq.
<i>Groton</i> , . . .	{ James Prescott, Esq.
<i>Shirley and Pepperrell</i> , . .	
<i>Stow</i> , . . .	Henry Gardner, Esq.

## COUNTY OF HAMPSHIRE.

<i>Springfield &amp; Wilbraham</i> , . .	{ Hon. John Worthington, Esq., Mr. John Bliss.
<i>Northampton &amp; Southampton</i> , . .	{ Joseph Hawley, Esq.
<i>Hadley</i> , . . .	{ Mr. Josiah Pierce.
<i>South Hadley</i> , . .	
<i>Amherst and Granby</i> , . . .	{ Mr. John Dickinson.
<i>Hatfield</i> , . . .	
<i>Whately &amp; Williamsburgh</i> , . .	{ Mr. John Mosely.
<i>Westfield and Southwick</i> , . .	

COUNTY OF HAMPSHIRE — *Concluded.*

<i>Deerfield,</i>	}	Mr. Samuel Field.
<i>Greenfield.</i>		
<i>Shelburne and</i>		
<i>Conway,</i>		
<i>Sunderland &amp;</i>	}	Mr. Moses Gunn.
<i>Montague,</i>		
<i>Northfield,</i>		Mr. Phineas Wright.
<i>Brimfield,</i>	}	Mr. Timothy Danielson.
<i>South Brimfield</i>		
<i>and Monson,</i>		

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	James Warren, Esq.,
	Mr. Isaac Lothrop.
<i>Scituate,</i>	Mr. Gideon Vinall.
<i>Marshfield,</i>	Abijah White, Esq.
<i>Middleborough,</i>	Mr. Ebenezer Sprout.
<i>Rochester,</i>	Mr. Ebenezer White.
<i>Plympton,</i>	Mr. Samuel Lucas.
<i>Pembroke,</i>	Mr. John Turner.
<i>Hanover,</i>	Capt. Joseph Cushing.
<i>Abington,</i>	Capt. Woodbridge Browne.
<i>Bridgewater,</i>	Josiah Edson, Esq.
<i>Kingston,</i>	Capt. John Gray.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. .	Edward Bacon, Esq.
<i>Sandwich,</i>	. .	Mr. Stephen Nye.
<i>Yarmouth,</i>	. .	David Thacher, Esq.
<i>Eastham and</i>	}	Mr. Barnabas Freeman.
<i>Welfleet,</i>		
<i>Harwich,</i>	. .	Mr. Benjamin Freeman.
<i>Falmouth,</i>	. .	Mr. Moses Swift.
<i>Chatham,</i>	. .	Mr. Joseph Doane.

COUNTY OF BRISTOL.

<i>Taunton,</i>	. . .	Daniel Leonard, Esq., Robert Treat Paine, Esq.
<i>Rehoboth,</i>	. . .	Capt. Joseph Barney.
<i>Swansey, with</i>	}	Jerathmeel Bowers, Esq.
<i>Shawamet,</i>		
<i>Dartmouth,</i>	. . .	Benjamin Akin, Esq.
<i>Norton and</i>	}	Dr. George Wheaton.
<i>Mansfield,</i>		
<i>Attleborough,</i>	. . .	Mr. John Dagget.
<i>Dighton,</i>	. . .	Elnathan Walker, Esq.
<i>Freetown,</i>	. . .	Thomas Gilbert, Esq.
<i>Easton,</i>	. . .	Capt. Matthew Hayward.

COUNTY OF YORK.

<i>York,</i>	Thomas Bragdon, Esq.
<i>Kittery,</i>	Edward Cutt, Esq.
<i>Wells,</i>	Mr. Ebenezer Sawyer.
<i>Berwick,</i>	Capt. Nathan Lord, Jr.
<i>Arundel,</i>	Thomas Perkins, Esq.

DUKES COUNTY.

<i>Chilmark,</i>	Jonathan Allen, Esq.
<i>Tisbury,</i>	James Athearn, Esq.

IN THE COUNTY OF NANTUCKET.

<i>Sherburne,</i>	Stephen Hussey, Esq.
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COUNTY OF WORCESTER.

<i>Worcester,</i>	. .	Mr. Joshua Bigelow.
<i>Lancaster,</i>	. .	Capt. Asa Whitecomb.
<i>Mendon,</i>	. .	Mr. Edward Rawson.
<i>Brookfield,</i>	. .	Jedediah Foster, Esq.
<i>Oxford and</i>	}	Capt. Jeremiah Learned.
<i>Charlton,</i>		
<i>Sutton,</i>	. . .	Capt. Henry King.
<i>Leicester, Spen-</i>	}	Mr. Thomas Denny.
<i>cer and Paxton,</i>		
<i>Westborough,</i>	}	Capt. Stephen Maynard.
<i>Northborough,</i>		
<i>Rutland, Rut-</i>	}	John Murray, Esq.
<i>land District,</i>		
<i>Oakham and</i>		
<i>Hubbardston,</i>	}	Dr. John Taylor.
<i>Lunenburg and</i>		
<i>Fitchburgh,</i>		
<i>Shrewsbury,</i>	. .	Mr. Phineas Heywood.
<i>Harvard,</i>	. .	Israel Taylor, Esq.
<i>Bolton,</i>	. . .	John Whitecomb, Esq.
<i>Petersham,</i>	. .	Capt. Ephraim Doolittle.
<i>Southborough,</i>	. .	Timothy Brigham, Esq.
<i>Hardwick,</i>	. .	Mr. Paul Mandell.

COUNTY OF CUMBERLAND.

<i>Falmouth and</i>	}	Jedediah Preble, Esq.,
<i>Cape Elizabeth,</i>		William Tyng, Esq.
<i>Scarborough,</i>		Mr. Samuel March.
<i>North Yarmouth,</i>		Mr. John Lewis.
<i>Gorham,</i>		Mr. Wentworth Stewart.

COUNTY OF LINCOLN.

<i>George Town</i>	}	James McCobb, Esq.
<i>and Woolwich,</i>		

## COUNTY OF BERKSHIRE.

<i>Sheffield, Great</i>	}	David Ingersol, Esq.,
<i>Barrington,</i>		
<i>Egremont and</i>		Mark Hopkins, Esq.
<i>Alford,</i>		
<i>Stockbridge, . .</i>		Mr. Samuel Browne, Jr.
<i>Tyringham, . .</i>		John Chadwick, Esq.

COUNTY OF BERKSHIRE — *Concluded.*

<i>Pittsfield, . .</i>		Mr. Charles Goodrich.
<i>Richmont and</i>	}	Mr. David Rosseter.
<i>Lenox,</i>		
<i>Lanesborough,</i>		Mr. Peter Curtis.
<i>Williamstown,</i>		Mr. David Noble.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1773.

## CHAPTER 1.

RESOLVE APPOINTING A COMMITTEE TO SELL MATERIALS OF THE OLD  
POWDER HOUSE.

In the House of Representatives

*Resolved*, that M<sup>r</sup> Hancock, Cap<sup>t</sup> Gardner & M<sup>r</sup> Phillips with such  
as the Hon<sup>e</sup> Board shall Join be a Committee to Dispose of the  
Materials of the old Powder Magazine in Boston Common for the  
Benefit of the Province and Report.

In Council Read & Conc<sup>d</sup> & John Erving & James Pitts Esq<sup>rs</sup>  
are joined. [*Passed May 31.*]

Legislative  
Records of the  
Council, xxx.,  
13. Mass.  
Archives,  
lxxx., 714.

Legislative  
Records of the  
Council, xxx.,  
10. House  
Journal, p. 22.  
*Ante*, p. 628,  
chap. 20.

## CHAPTER 2.

RESOLVE ALLOWING £6 ADDITIONAL ANNUALLY TO WILLIAM THORNE.

A PETITION of William Thorne of Topsham in the County of  
Lincoln Setting forth, That in the year 1748, being a Soldier in the  
Province service at the eastward under the Command of Cap<sup>t</sup> Wil-  
liam Burns, he had the misfortune to be wounded by the Indian  
enemy so as to occasion the entire loss of his arm That upon ap-  
plication to this Court they were pleased to make him a Grant for  
his loss and sufferings and also a Pension of twenty shillings annu-  
ally until further Order That he is now advanced in age and less  
able to labour to support himself, and has had the further misfor-  
tune of losing a Son on whom he depended for support. And praying  
that an addition may be made to his small Pension aforementioned.

[Read and]

*Resolved* that there be allowed & paid out of the Publick Treas-  
ury unto William Thorne of Topsham in the County of Lincoln  
(over and above the Twenty Shillings before allowed him) the Sum  
of Six pounds annually untill the further order of this Court. [*Passed  
June 1.*]

Legislative  
Records of the  
Council, xxx.,  
14. Mass.  
Archives,  
lxxx., 711.

Mass.  
Archives,  
lxxx., 709.  
House Jour-  
nal, pp. 22, 24.  
Province  
Laws, xiv., 145,  
chap. 7; xv.,  
623, chap. 235.

## CHAPTER 3.

## RESOLVE IMPOWERING ELEAZER JACKSON, EXECUTOR, TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxx.,  
14.

House Jour-  
nal, pp. 17, 23.

A PETITION of Eleazer Jackson of Dudley in the County of Worcester Executor of the last Will and Testament of Samuel Robinson late of said Dudley Physician deceased Setting forth, That Ebenezer Hayward of Killingly in Connecticut Yeoman in the lifetime of the said Samuel employed him to purchase for him, the said Ebenezer, one hundred and twelve acres of Land situate in a Gore of Land lying between Dudley, Douglass and Oxford That the said Samuel purchased the said Land of Silas Taft administrator of the Estate of Benjamin Taft late of Uxbridge deceased for the sum of £37.10, but the said Samuel died without executing a Deed thereof to the said Ebenezer. And praying that he may be impowered to make and execute a Deed of the premises to the said Ebenezer, excepting three acres of Cedar Swamp included therein which the said Samuel reserved to himself.

[Read and]

*Resolved* that the prayer thereof be so far granted as that the Petitioner be and he hereby is fully impowered to make and execute a good and sufficient Deed of the Tract of Land in said Petition mentioned, excepting the said three acres as is therein excepted, to the said Ebenezer Hayward his Heirs and assigns forever, agreeable to the bargain made by and between the said Samuel and Ebenezer at large set forth in the Petition aforesaid. [*Passed June 1.*]

## CHAPTER 4.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative  
Records of the  
Council, xxx.,  
19.

House Jour-  
nal, pp. 15, 26,  
28.

THE ACCOUNT of Daniel Moulton Esq<sup>r</sup> Treasurer of the County of York being laid before the Court for allowance the following Order passed viz<sup>t</sup>

Whereas it appears upon examination of the said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for the year 1772 were for such purposes and appropriations as the said Court by Law is impowered to grant; therefore

*Resolved* that said account be allowed. [*Passed June 3.*]

## CHAPTER 5.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative  
Records of the  
Council, xxx.,  
20.

THE ACCOUNT of Solomon Otis Esq<sup>r</sup> Treasurer of the County of Barnstable being laid before the Court for allowance the following Order passed viz<sup>t</sup>

Whereas it appears upon examination of said accounts that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the Law impowered said Court to grant; therefore *Resolved* that said account be allowed. [*Passed June 3.*]

House Journal, pp. 15, 23, 24.

## CHAPTER 6.

### ORDER ADJOURNING COURTS IN BRISTOL COUNTY.

WHEREAS the attendance of the members of the House of Representatives is required at the present situation of public affairs and many of them have business that require their attendance at the Courts of General Sessions of the peace and Inferior Court of Common pleas to be holden at Taunton within and for the County of Bristol on the second Tuesday of June instant. It is therefore

*Ordered* that the said Court of General Sessions of the peace and Inferior Court of Common pleas by Law to be holden at Taunton within and for the County of Bristol on the second Tuesday of June instant, shall be holden at Taunton within and for the County aforesaid the second Tuesday of September next, and that all Writs, processes and Recognizances returnable to and all appeals made to the said Court of General Sessions of the peace and Inferior Court of Common pleas by Law to be held at Taunton, and all matters, causes and things that have day or that might have been had, moved or done at in or by the said Courts at the time so appointed for holding the same, shall be returnable to and may be entered, prosecuted, had, moved & done at in and by the said Court at the time hereby appointed for holding the same. And that the Sheriff of the County of Bristol shall take effectual care that this Order be forthwith published and made known thro' the County aforesaid. [*Passed June 4.*]

Legislative Records of the Council, xxx., 20.

House Journal, pp. 30, 31. Province Laws, v., 45, chap. 18.

## CHAPTER 7.

### RESOLVE ALLOWING £1,400 TO THE EXECUTORS OF DENNIS DE BERDT.

*Resolved*, That there be allowed and paid out of [the]<sup>1</sup> publick Treasury to the Executor or Executors, Administrator or Administrators, on the Estate of Dennis De Berdt Esq<sup>r</sup> deceased, the Sum of Fourteen hundred pounds Sterling, in full for his Account of Expenses, and for Services he performed for this Province at the Court of Great-Britain: and that the Treasurer be and hereby is directed to remit the same to the Executor or Executors, administrator or administrators, on the Estate of Dennis De Berdt, Esq<sup>r</sup> accordingly. [*Passed June 9.*]

Legislative Records of the Council, xxx., 26. Mass. Archives, xxii., 597.

Mass. Archives, xxii., 566-70, 572-74, 589-90, 592, 595. Legislative Records of the Council, xxviii., 217, 337, 449; xxix., 118, 120, 218, 540. House Journal, p. 25.

<sup>1</sup> Inserted from the Legislative Records of the Council, xxx., 26.

## CHAPTER 8.

RESOLVE IMPOWERING GEORGE KIMBALL AND MARY REED, ADM<sup>RS</sup>, TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxx.,  
26.

House Jour-  
nal, pp. 27, 38.

A PETITION of George Kimball and Mary Reed both of Lunenburg in the County of Worcester administrators on the Estate of Samuel Reed late of said Lunenburg Gentleman deceased, and of Jesse Fox of Winchendon in the said County Yeoman Setting forth, That the said Samuel on the 6<sup>th</sup> day of Septem<sup>r</sup> 1769 made his Bond for the sum of fifty pounds conditioned that he, his Heirs or assigns on the payment of thirty-two pounds with Interest in one year from the same day should give a good Warranty deed of a Lot of Land in said Winchendon (in said condition called Lot N<sup>o</sup> 1 in the South division) to the said Jesse; which said sum appears to have been paid agreeable to the intention and agreement of the said Samuel and Jesse, but the said Samuel failed to give the said deed in his life time. And praying that the said administrators may be empowered to convey the said Lot to the said Jesse.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the said George Kimball and Mary Reed two of the Petitioners be and hereby are fully authorized and empowered to make and execute a good Deed in Law of the premises to Jesse Fox the other Petitioner agreeable to the prayer hereof. [*Passed June 9.*]

## CHAPTER 9.

## RESOLVE IMPOWERING TIMOTHY WHITE, ADMINISTRATOR, TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxx.,  
29.

House Jour-  
nal, pp. 27, 38.

A PETITION of Timothy White of Scituate in the County of Plymouth Yeoman administrator de bonis non of the Estate of Elisha Nash late of said Scituate Yeoman deceased Setting forth, That Timothy White, late Father of the Petitioner, the former administrator on the Estate of the said Noah, having obtained an Order of the Superior Court for selling the whole of the Real Estate of the said Nash, saving his Widows interest therein, for payment of his debts, he the said administrator duly sold the same, part to M<sup>r</sup> Joseph Vinal and part to M<sup>r</sup> Joshua Otis both of said Scituate, but died without executing a Deed to either of them. And praying that he may be empowered, in his said capacity, to execute Deeds of the premises to the said Vinal and Otis.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and hereby is fully authorized and empowered to make and execute a good Deed or Deeds in Law to Joseph Vinal and Joshua Otis agreeable to the prayer hereof. [*Passed June 9.*]

## CHAPTER 10.

RESOLVE IMPOWERING JN<sup>O</sup> BURGHARDT TO LAY OUT 400 ACRES OF LAND.

A PETITION of John Burghardt of Great Barrington Setting forth, That the General Court in the year 1742 granted to his Father Coonrod Burghardt two hundred acres of Land and ordered that a plat thereof should be made and returned to said Court within twelve months for confirmation That the said Coonrod immediately laid out the same in the Town of Richmond, then being unappropriated Land, but by meer accident the Plat was mislaid and not returned to the Court for divers years afterwards That the said Coonrod, however, thinking he had a good title to the said Lands, deeded the same to divers of his Sons, who sold the same to the Petitioner That in February 1763 upon the Petition of the proprietors of the Land then called Mount Ephraim, now Richmond, the General Court made a Grant of the said two hundred acres, among other Lands, to said proprietors That in June 1763 the Petitioner, having applied to the General Court setting forth the Grant to the said Coonrod and the proceedings had thereon, obtained a confirmation That he afterwards commenced actions against divers persons who had got into possession of the same, which were finally determined against him; whereby he has not only lost the said two hundred acres of very valuable Land, but also large Sums of money in its defence. And praying relief.

[Read and]

*Resolved* that the said John have liberty to lay out four hundred acres of unappropriated Land lying in the County of Berkshire in two several pieces so as not to interfere with any former Grant, and that he return a plat thereof taken by a Surveyor and Chainmen under Oath to this Court within twelve months from the first of July next for confirmation. [*Passed June 9.*]

Legislative  
Records of the  
Council, xxx.,  
30.

Legislative  
Records of the  
Council, xxix.,  
243, 245, 391.  
House Jour-  
nal, pp. 35, 39,  
40. Province  
Laws, xlii.,  
206, chap. 190;  
xvii., 427, chap.  
110. *Ante*,  
p. 667, chap. 88.

## CHAPTER 11.

## RESOLVE IMPOWERING DAVID INGERSOLL, ADMINISTRATOR, TO EXECUTE A DEED.

A PETITION of David Ingersol administrator of the Estate of his late Father David Ingersol late of Great Barrington in the County of Berkshire Esq<sup>r</sup> dec<sup>d</sup> Intestate Setting forth, That the said Intestate on the 24 day of January last bargained and sold to Enoch Noble of Sheffield in said County one certain Grist mill and the third part of a Saw mill and Grist mill standing and being in said Sheffield, in consideration of the sum of £125 lawful money; but before the said intestate had made and executed a Deed of conveyance thereof, he died. And praying that he may be impowered to make and execute a Deed of the premises to the said Enoch Noble.

[Read and]

*Resolved* that the prayer thereof be granted, and the Petitioner be and hereby is impowered to make and execute a good and sufficient Deed of the mills therein mentioned to the said Enoch Noble; provided the said Petitioner take sufficient security of said Enoch

Legislative  
Records of the  
Council, xxx.,  
45.

House Jour-  
nal, pp. 19, 33.

for the payment of one hundred and twenty five pounds lawful money within six months from and after the date hereof with lawful interest therefor till paid, and the said Petitioner accounting with the Judge of Probate for the County of Berkshire for the same sum in such way and manner as Executors and administrators are by Law required to do. [*Passed June 9.*<sup>1</sup>

## CHAPTER 12.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative  
Records of the  
Council, xxx.,  
31.

House Jour-  
nal, pp. 15, 25.

THE ACCOUNT of John Cotton Esq<sup>r</sup> Treasurer of the County of Plymouth being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the within account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is impowered to grant; therefore

*Resolved* that said account be allowed. [*Passed June 10.*

## CHAPTER 13.

### RESOLVE CONFIRMING ASSESSMENTS IN THE TOWN OF WINDHAM.

Legislative  
Records of the  
Council, xxx.,  
35.

House Jour-  
nal, pp. 17, 40,  
42, 45.

ON THE PETITION of Caleb Graffam and others shewing that they were assessors for the Town of Windham in the County of Cumberland for the years 1769 and 1770 that the assessments viz<sup>t</sup> that made in the year 1769 was not completed before one of said assessor died (and that assessment was made and completed by the two surviving assessors) who committed the same to William Bolton to collect. And also that the latter assessment was not made strictly agreeable to Law, as neither this nor the former Bills of assessments were made in so separate a manner as is customary in some Towns, as the Province, County, Town and ministerial Rates are all put into one Bill, in consequence whereof the said Town will be involved in great confusion without the interposition of this Court; for the remedy whereof,

*Resolved* that the said several Rate Bills viz<sup>t</sup> that made in the year 1769 together with that made in 1770 shall be deemed and held to be as good and valid Bills as if the same or either of them had been made separate and severally signed by the whole of the assessors of said Town. [*Passed June 11.*

<sup>1</sup> This chapter is entered in Legislative Records of the Council under date of June 12.



## CHAPTER 14.

RESOLVE IMPOWERING EDWARD KNOWLES, ADM<sup>R</sup>, TO EXECUTE A DEED.

A PETITION of Edward Knowles administrator of the Estate of Edward Knowles jun<sup>r</sup> late of Eastham in the County of Barnstable Yeoman deceased intestate, and of Solomon Pepper jun<sup>r</sup> Guardian to Hannah Knowles a minor daughter of the said Edward Knowles jun<sup>r</sup> Setting forth That on the 28 day of December 1759 one Samuel Walker of Wellfleet in the County aforesaid Yeoman in consideration of the sum of nine pounds, six shillings and nine pence two farthings gave to the said Edward Knowles jun<sup>r</sup> an absolute Deed of a certain piece of meadow lying in said Wellfleet in the meadow called Silver Spring Meadow and at the same time the said Edward promised and covenanted that whenever the said Samuel Walker should pay to him the aforementioned sum with the lawful interest, he would reconvey the said piece of meadow to the said Samuel. And praying that the said administrator may be empowered to reconvey the premises to the said Samuel upon the payment of the said sum with the Interest.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the said Edward Knowles be fully empowered to make and execute unto him the said Samuel Walker a good deed in Law of the Land mentioned in said Petition, which deed so made shall convey said Lands to all intents & purposes as effectually as if the said Edward Knowles jun<sup>r</sup> had executed said deed in his life time; provided he the said Samuel Walker shall first pay unto him the said Edward Knowles the sum of nine pounds, six shillings and nine pence two farthings with lawful interest for the same according to [the]<sup>1</sup> promise mentioned in the Petition. [*Passed June 11.*]

Legislative  
Records of the  
Council, xxx.,  
38.

House Jour-  
nal, pp. 26, 46.

## CHAPTER 15.

## RESOLVE IMPOWERING JAMES FEARING, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of James Fearing of Hingham in the County of Suffolk Executor to the last Will and Testament of Mary Jones late of said Hingham Widow deceased Setting forth That the said Mary devised her whole Estate to her daughter Mary Fearing and her Grand daughter Mary Fearing jun<sup>r</sup> to be equally divided between them That the personal Estate of the said deceased is insufficient to pay her debts. And, as the Real Estate of the said deceased consists only of part of an old House and about eight acres of Land which cannot be sold in part without discommoding the remainder, Praying that he may be empowered to make sale of the whole thereof to enable him to pay the said debts.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and hereby is empowered to make sale of the Estate

Legislative  
Records of the  
Council, xxx.,  
38.

House Jour-  
nal, pp. 37, 46.  
Province  
Laws, II., 151,  
chap. 10.

<sup>1</sup> Inserted from the House Journal, p. 46.

mentioned in this Petition for the most it will fetch, and make and execute a good and sufficient deed or deeds thereof, observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Suffolk that the proceeds be applied after the payment of all debts due from said Estate, and immediately paid one half thereof to the said Mary Fearing and the other half thereof to the Guardian of the said Mary Fearing jun<sup>r</sup>. [*Passed June 11.*]

## CHAPTER 16.

### RESOLVE DIRECTING NOTICE WITH STAY OF PROCEEDINGS IN REGARD TO TITLE TO LANDS.

Legislative  
Records of the  
Council, xxx.,  
40. Mass.  
Archives,  
cxviii., 700.

Mass.  
Archives,  
cxviii., 688-691.  
House Jour-  
nal, pp. 33, 45.  
Province  
Laws, xii., 156,  
chap. 69; xiv.,  
chap. 96; xlv.,  
264, chap. 4.  
*Ante*, p. 90,  
chap. 186.

A PETITION of Charles Goodrich and others of Pittsfield in the County of Berkshire Setting forth, That in the year 1735 the General Court granted to the Town of Boston three tracts of Land of the contents of six miles square for Townships on certain conditions of settlement mentioned in the Grant; one of which Tracts of Land the said Town sold to Jacob Wendell Esq<sup>r</sup> who caused the same to be laid out and a plan to be returned to the said Court, which was confirmed to him on the conditions mentioned in the Grant to the Town of Boston; which Tract of Land was formerly called Pontoosuck, now Pittsfield That the said Wendell afterwards sold to John Stoddard and Philip Livingston Esq<sup>rs</sup> each one third part of the said Township; that the said Wendell, Stoddard and Livingston sold forty of the settling Lots in the said Town, on certain conditions, to John Lee John Huston and Joseph Root, who, as soon as they could without danger from the Indian enemy, went on the premises, with their associates, and have made great improvements thereon and by that means greatly enhanced the value of the Lands in said Town That the Petitioners apprehended they had in substance performed the conditions of settlement, tho' not strictly and literally in every punctilio, and had no suspicion that any person had it in his power to turn them off from their settlement and valuable improvements, till of late the Heirs of John Stoddard Esq<sup>r</sup> have, under pretence of forfeiture for conditions broken, brought an action against the said Charles Goodrich and recovered Judgment for the possession of one third part of his Lot, which with the Buildings is of forty times the value that it was when the settlement was begun in 1752 That the owners of the rest of said forty lots are in equal danger of losing their Estates (the whole of which with the improvements and Buildings are of the value of fourteen or fifteen thousand pounds lawful money) as the said Charles was that part of the Lot recovered of him as aforesaid That in the original Grant to the Town of Boston express provision is made that in case any persons admitted as Settlers shall fail of performing the duty of settlement, the Government shall have it in their power to regrant the same to any other persons they see fit. And, as the Government have it in their power to prevent the Petitioners being oppressed and totally ruined, Praying relief.

[Read and]

*Resolved* that the Petitioner Charles Goodrich Notifie the Heirs of the Late Col Stoddard by Serving Solomon Stoddard Esqr of

Northampton with a Copy of this Petition and the order thereon that they Shew cause if any they have on the Second wedne[s]day of the Next Sitting of the General Court why the prayer thereof Should not be Granted and that any action or actions in the Law Relating to the Premises be Stayed in the mean time. [*Passed June 11.*]

## CHAPTER 17.

RESOLVE IMPOWERING AARON CLARK AND EXPERIENCE BARTLET, ADM<sup>rs</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Aaron Clark and Experience Bartlet administrators on the Estate of Preserved Bartlet late of Northampton in the County of Hampshire deceased Setting forth, That the said Preserved in his life time had agreed to purchase of the Inhabitants of the said Town a tract of Land adjoining to the Farm on which he lived, and that he might be able to make payment therefor, had resolved to make sale of his share in the following tracts of Land which he held in common and undivided with many other persons viz<sup>t</sup> one tract in the east tier of the mountain division so called in Northampton, his share being twenty two acres and one other tract in the fifth square mile in Southampton, his share being thirty two acres and an half, and one other tract in the broken division so called in Southampton, his share being three acres, but for want of convenient opportunity the said Preserved in his life time did not make sale of his share thereof. And praying that they may be empowered to make sale of the said Lands to enable them to compleat the agreement aforesaid.

[Read and]

*Resolved* that the prayer of the Petition be granted, and the Petitioners be and are hereby fully authorized and empowered to make sale of the several tracts of Land mentioned in the Petition for the most the same will fetch, and to make and execute a good Deed or Deeds thereof in Law to the purchaser or purchasers; they observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Hampshire that the proceeds of said sales shall be applied to compleat the agreement between the Inhabitants of Northampton and the said Preserved as mentioned in the Petition, and in case there should [be]<sup>1</sup> any overplus arising by means of said sales, they to be applied to and for the use of the said Preserved's heirs. [*Passed June 12.*]

Legislative  
Records of the  
Council, xxx.,  
42.

House Jour-  
nal, pp. 39, 48.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 18.

RESOLVE IMPOWERING EBEN<sup>r</sup> BURRILL, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ebenezer Burrill Executor of the last Will and Testament of Joseph Mansfield late of Lynn in the County of Essex deceased, and of the Heirs and legal Representatives of the said deceased Setting forth, That the said deceased died siezed, among other Real Estate of a House, Barn and Grist mill greatly out of

Legislative  
Records of the  
Council, xxx.,  
44.

House Jour-  
nal, pp. 15, 50.  
Province

<sup>1</sup> Inserted from the House Journal, p. 48.

Laws, ii., 151,  
chap. 10.

repair, with about eight acres of Land adjoining partly upland and partly marsh which does not adjoin to any other part of the Estate; the sale whereof will be much for the benefit of the Heirs. And, as part of the Real Estate must be sold for payment of the debts and charges, Praying that they may be empowered to make sale of that part aforementioned.

[Read and]

*Resolved* that the prayer of this Petition be so far granted as that the Executor one of the Petitioners be and hereby is empowered to make sale of the House, Barn, Grist mill and about eight acres of Land adjoining for the most it will fetch, and make and execute a Deed or Deeds thereof, observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving due caution to the Judge of Probate for the County of Essex that after all just debts due from said Estate are paid out of the proceeds thereof, that the remainder shall be paid to the Heirs to said Estate or their Guardians in such proportions as they might have inherited said Real Estate in case the same had not been sold. [*Passed June 12.*]

## CHAPTER 19.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BERKSHIRE COUNTY.

Legislative  
Records of the  
Council, xxx.,  
47.

House Jour-  
nal, pp. 15, 28,  
29.

THE ACCOUNT of Mark Hopkins Esq<sup>r</sup> Treasurer of the County of Berkshire being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes & appropriations as the said Court by Law is empowered to grant; therefore

*Resolved* that said account be allowed. [*Passed June 14.*]

## CHAPTER 20.

### RESOLVE IMPOWERING MARY BACON, ADM<sup>x</sup>, TO SELL AND CONVEY REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
48.

House Jour-  
nal, pp. 15, 37,  
38. Province  
Laws, ii., 151,  
chap. 10; xvi.,  
645, chap. 172.

A PETITION of Mary Bacon of Brookfield formerly Widow of Reuben Olds late of said Brookfield deceased and administratrix on his Estate Setting forth, That on the 7 day of January Anno Dom 1761 she was empowered by the General Court to make sale of the Real Estate of her late Husband the said Reuben Olds; the proceeds whereof to be disposed of as in and by said Order will appear, but soon after her obtaining said Order she intermarried with one John Bacon and nothing was done in consequence of the said Order That about three years ago her said husband left her; since which she has not had any certain intelligence of him; that it still remains necessary that the said Real Estate should be sold. And praying that she may be empowered to sell and convey the same, her marriage notwithstanding.

[Read and]

*Resolved* that the prayer thereof be granted, and she is accordingly hereby impowered to sell & convey the Estate in her Petition mentioned by a good and sufficient deed or deeds thereof she conforming herself to the Law respecting the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probates for the County of Worcester that the proceeds of the said sale shall be applied as followeth viz' two thirds thereof shall be immediately after the sale put into the hands of the Guardian of the Children of the said Reuben Olds her former husband to be put to interest for their benefit, and the Interest of the other third be allowed to her during her natural life, and immediately after her decease the principal shall be paid to said Children or their legal Representatives. [*Passed June 15.*]

## CHAPTER 21.

RESOLVE ALLOWING THE ACC<sup>O</sup> OF PROVISIONS OF THE COMMISSARY GENERAL.

THOMAS CUSHING Esq<sup>r</sup> Commissary General having laid before the Court an account of the Provisions by him bought and delivered out, the following Order passed thereon, after having been previously examined by a Committee of the two Houses respectively viz'

*Resolved* that the foregoing account being right cast and well vouched be allowed, and the Commissary General be further accountable for seven and half bushels of pease, being the balance due. [*Passed June 17.*]

Legislative  
Records of the  
Council, xxx.,  
50.

Legislative  
Records of the  
Council, xxx.,  
34. House  
Journal, pp. 29,  
54.

## CHAPTER 22.

RESOLVE ALLOWING THE ACC<sup>T</sup> OF THE INDIAN TRADE OF THE COMMISSARY GENERAL.

THOMAS CUSHING Esq<sup>r</sup> Commissary General having laid before the Court an account of the Indian Trade, the following Order passed thereon, after having been previously examined by a Committee of the two Houses respectively viz'

*Resolved* that the foregoing acc<sup>t</sup> being right cast and well vouched be allowed, And the Commissary General be further Accountable for the Sum of two Thousand three hundred and nine pounds, nineteen shillings and Eleven pence farthing, being the Ballance of the Truck Trade, as Soon as he receives the money from the Truck master. [*Passed June 17.*]

Legislative  
Records of the  
Council, xxx.,  
50. Mass.  
Archives, cxx.,  
717.

Mass.  
Archives, cxx.,  
709-718. House  
Journal, p. 54.  
*Supra*, chap.  
21.



## CHAPTER 23.

RESOLVE ALLOWING THE ACC<sup>t</sup> CURRENT OF THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxx.,  
51.

House Jour-  
nal, p. 55.  
*Supra*, chap.  
22.

THOMAS CUSHING ESQ<sup>s</sup> Commissary General having laid before the Court his account current, the following Order passed thereon, after having been previously examined by a Committee of the two Houses respectively viz<sup>t</sup>

*Resolved* that the foregoing account being right cast and well vouched be allowed, and the Commissary General be further accountable for the sum of one hundred and thirty eight pounds, nine shillings & five pence one farthing, being the balance due from him. [*Passed June 17.*]

## CHAPTER 24.

## RESOLVE CONFIRMING A PLAN OF 300 ACRES OF LAND TO JONATHAN SPRAGUE.

Legislative  
Records of the  
Council, xxx.,  
54.

House Jour-  
nal, p. 65.  
*Ante*, p. 658,  
chap. 74.

PURSUANT TO THE DIRECTION in the Grant made to Jonathan Sprague the 14<sup>th</sup> day of January 1773 of 300 acres of Land lying near to Ashfield, the said Jonathan returned a Plan thereof to the Court; on which the following Order passed viz<sup>t</sup>

*Resolved* that the plan hereunto annexed, containing three hundred acres of Land delineated and described as follows viz<sup>t</sup> beginning at a stake and stones three hundred and thirty rods from the n E corner of Ashfield, on Ashfield north line, or at the S W corner of Smiths Grant, running north 19 deg<sup>s</sup> East one hundred and sixteen rods, thence W<sup>t</sup> 19° n one hundred and fifty three rods, thence north sixty three rods, thence W 3° S two hundred and twenty six rods, thence S 3° E one hundred and six rods, thence E 3° n sixteen rods, thence E 17° S three hundred and twenty rods to the first mentioned Stake and Stones; the corners of said Grant of Land are all Stakes and Stones, be and hereby is confirmed to the Petitioner Jonathan Sprague his Heirs and assigns forever, on condition of the said Spragues giving sufficient security to the Province Treasury for the payment of forty five pounds in one year from the date hereof with lawful interest for the same for the use of this Province; provided said plan doth not exceed the quantity of three hundred acres, nor interfere with any former Grant. [*Passed June 18.*]

## CHAPTER 25.

## RESOLVE IMPOWERING THE COMMISSARY GENERAL TO SUPPLY PROVISIONS, ETC., TO THE INDIANS AT PENOBSCOT FALLS.

Legislative  
Records of the  
Council, xxx.,  
54. Mass.  
Archives,  
xxxiii., 593.

WHEREAS the Supplying the Indians with such Goods and Provisions as they stand in need of at Penopscot falls, will greatly promote the Trade with the Indians, and prevent their being defrauded and abused by designing men, as well as prevent many Quarrells



and mischiefs that may Otherways arise which may be attended with fatal Consequences to this Government. therefore

*Resolved* that the Commissary General be and he hereby is directed to lodge Such Goods and Provisions; as he may think Expedient and necessary for Carrying on the Trade with the Indians, at Such place near Penopscot falls as he may think will best accomodate the Indians and that he hire a Store at or near the place before mentioned for the Lodgement and Preservation of Such Goods as he may Send Down for the purpose aforesaid. [*Passed June 18.*]

Legislative  
Records of the  
Council, xxx.,  
16, 17. House  
Journal, p. 65.

## CHAPTER 26.

### ORDER WITH NOTICE AND STAY OF PROCEEDINGS ON THE PETITION OF JOSIAH CHAUNCY IN REGARD TO A MEETING HOUSE.

A PETITION of Josiah Chauncy Esq<sup>r</sup> and others Inhabitants of the District of Amherst in the County of Hampshire Praying that the said District may be divided in the middle, into two Parishes; and that an Order may be passed for staying all proceedings either in erecting the two meetinghouses, the said District has lately voted to erect, or in demolishing the present meetinghouse until the final determination hereon; and also praying that a Committee may be appointed to repair to Amherst to view their situation and circumstances, and that the costs arising by this application may be paid by the said District.

Legislative  
Records of the  
Council, xxx.,  
55. Mass.  
Archives, xiv.,  
691.

Mass.  
Archives, xiv.,  
684. House  
Journal, pp. 56,  
66.

[Read and]

*Ordered* That The Inhabitants of the District [of]<sup>1</sup> amherst be Notified of the Contents of the s<sup>d</sup> Petition and that they have day in this court on the Second Thursday of the next Session thereof to Shew cause (if any they have) why the Prayer thereof Should Not be granted and that the s<sup>d</sup> Inhabitants in the mean time wholly Surcease and forbear all dispositions and proceedings for and relative to the building any New Meeting house or Meeting houses in the s<sup>d</sup> district excepting upon or Near the Spot where their present Meeting house Stands or relative to the pulling down or removing of their present Meeting house except it be for the purpose of erecting a New Meeting house where the old or present Meeting house now Stands And that for the Notifying the Inhabitants of amherst afores<sup>d</sup> of the Contents of y<sup>e</sup> s<sup>d</sup> Petition and this Order That the s<sup>d</sup> Petitioners forthwith Serve the Clerk of the s<sup>d</sup> district with a Copy of the s<sup>d</sup> Petition and this order attested by the Secretary. [*Passed June 18.*]

## CHAPTER 27.

### RESOLVE CONFIRMING A TRACT OF LAND TO OLIVER PEABODY AND OTHERS.

*Resolved* that the plan annexed of the contents of six thousand two hundred and twenty six acres exclusive of three thousand nine hundred and fifty six acres and thirty one pole contained in moun-

Legislative  
Records of the  
Council, xxx.,  
56.

<sup>1</sup> Inserted from Legislative Records of the Council, xxx., 55.

Maps and  
Plans, Mis.,  
xiv., 19.  
House Jour-  
nal, pp. 62, 67.  
*Ante*, p. 639,  
chap. 44.

tains & Rivers, laid out pursuant to a Grant made to Oliver Peabody and John Peabody Jun<sup>r</sup> of Andover, John Bodwell and Samuel Bodwell of Methuen June 27. 1772 lying at the westerly end of a Township granted to Josiah Richardson Esq<sup>r</sup> and others, bounded at the Southwesterly corner with a large high Rock on the eastwardly line of a Township called Shelburne, thence on said line north eight degrees east by the needle three hundred and twenty pole to Androscoggin River, then crossing said River and continuing the same course till eight hundred and seventy two pole be completed from the Rock aforesaid to a Spruce tree marked **P B**, thence East by the needle one thousand six hundred and fifty four pole to a hemlock tree marked **P B**, thence South twenty degrees East three hundred and seventy pole to the northwest corner of a Township granted to Josiah Richardson aforesaid, thence on the same course crossing the westerly end of an Island in said River five hundred and ninety pole to a Beach tree marked **P B**, thence West by the needle over a large mountain two thousand and eighty pole to the Rock first mentioned, be accepted and hereby is confirmed to the aforesaid Oliver Peabody, John Peabody jun<sup>r</sup>, John Bodwell & Samuel Bodwell their Heirs and assigns forever; provided they give Bond with sufficient sureties to the Province Treasurer or his successor to settle the same with fifteen Families, each of which within six years from the date hereof to have built a good House of twenty feet by eighteen and seven feet stud and have cleared for pasturage or tillage five acres each; that they also out of the premises grant one hundred acres for the first ordained Protestant minister, one hundred acres for the ministry and one hundred acres for the use of a School within said Grant and further that they give Bond with sufficient sureties to the Treasurer to pay to him or his successor for the use of the Province the sum of eighty pounds, one shilling and seven pence within one year from the date hereof; provided also that it doth not exceed the quantity of six thousand two hundred and twenty six acres, exclusive of three thousand nine hundred and fifty six acres of Mountains and Rivers as aforesaid nor interfere with any former Grant. [*Passed June 19.*]

## CHAPTER 28.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative  
Records of the  
Council, xxx.,  
57.

THE ACCOUNT of John Chandler Esq<sup>r</sup> Treasurer of the County of Worcester being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is impowered to grant; therefore

*Resolved* that said account be allowed.<sup>1</sup> [*Passed June 19.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 29.

## RESOLVE ESTABLISHING THE GARRISON AT FORT POWNAL AND THE WAGES OF OFFICERS AND MEN.

*Resolved* that there be an Establishment for Twenty one<sup>1</sup> men officers Included, for Fort Pownall, at Penopscot and that their Wages be fixed at the following rates to Continue for one year from the 20<sup>th</sup> of this Instant June

One Lieutenant	£ month	.	.	.	.	.	.	.	£2. 10. 0
One Chaplain	£ ditto	.	.	.	.	.	.	.	4. 0. 0
One Interpreter	£ ditto	.	.	.	.	.	.	.	2. 10. 0
One Gunner	£ ditto	.	.	.	.	.	.	.	2. 5. 0
One Armourer	£ ditto	.	.	.	.	.	.	.	1. 10. 0
One Seargent	£ ditto	.	.	.	.	.	.	.	1. 10. 0
Fifteen privates	£ ditto, each	.	.	.	.	.	.	.	1. 4. 0

Legislative  
Records of the  
Council, xxx.,  
57. Mass.  
Archives,  
lxxx., 715.

House Jour-  
nal, p. 67.

[*Passed June 19.*]

## CHAPTER 30.

## RESOLVE ALLOWING £5.8 TO GEORGE HITCHCOCK.

A PETITION of George Hitchcock of Springfield Setting forth, That in Novem<sup>r</sup> 1766 divers prisoners in his majesty's Goal in said Springfield by the assistance of certain evil minded men and by means of Tools conveyed to them for this purpose broke the same Prison and made their escape therefrom That he, being then a deputy Sheriff for the County of Hampshire, immediately caused suit<sup>a</sup> to be made for the said Prisoners; the expence whereof necessarily amounted to the sum of £5.8 That at the Superior Court held at said Springfield next after the breach of Prison aforesaid, two persons were duly convicted of conveying Tools into the Prison aforesaid and to the Prisoners aforesaid, and were thereupon sentenced by the Court to pay a several fine agreeable to Law, which Fines were paid into the County Treasurer. And praying that the Treasurer of the said County may be ordered to pay him the said sum of £5.<sup>3</sup>8 out of the fines aforesaid.

Legislative  
Records of the  
Council, xxx.,  
61.

House Jour-  
nal, p. 55.

[Read and]

*Resolved* that the account of the said George Hitchcock annexed to his said Petition is a reasonable account and that the Petitioner ought to be rewarded for his service and reimbursed his expences as therein set forth. And that inasmuch as the Fines mentioned in his said Petition amounting to the sum of ten pounds were according to Law paid into the hands of the Sheriff of the said County of Hampshire and not into the County Treasurer, the Sheriff of the said County be and he is hereby ordered to pay to the Petitioner out of the Fines in his hands the sum of five pounds, eight shillings, and that the payment of the same to the Petitioner be a sufficient discharge of the said Sheriff for so much of the fines in his hands on the settlement of his account thereof. [*Passed June 21.*]

<sup>1</sup> The House Journal reads, "Twenty Men."

<sup>2</sup> *Sic.*

<sup>3</sup> The House Journal, p. 55, reads, "*seven Pounds.*"

## CHAPTER 31.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative  
Records of the  
Council, xxx.,  
62.

House Jour-  
nal, pp. 15, 68.

THE ACCOUNT of James Russell Esq<sup>r</sup> Treasurer of the County of Middlesex being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is empowered to grant; therefore

*Resolved* that said account be allowed. [*Passed June 22.*]

## CHAPTER 32.

## RESOLVE DIRECTING THE PROVINCE TREASURER TO TAKE SECURITY FOR EXTENSION OF LOAN TO JAMES BOIES AND RICHARD CLARK.

Legislative  
Records of the  
Council, xxx.,  
63. Mass.  
Archives, lix.,  
594.

House Jour-  
nal, pp. 202, 215  
(February,  
1773); pp. 23,  
71. Province  
Laws, xvti.,  
443, chap. 151.

A PETITION of James Boies and Richard Clark of Milton Setting forth That the time for payment of the money due from them to the Province will expire this month. And, as they have expended large sums of money in building and enlarging their works, for the better carrying on their business which is of great advantage to the public, Praying that a further time may be allowed them for the payment thereof.

Whereas James Boies and Rich<sup>d</sup> Clark stand indebted to this province for monies Lent them some years ago which money will soon become due and they having humbly represented to this Court that it would be greatly to their Benefit to have further time to pay the same.

*Resolved* that the Treasurer be directed and he is hereby accordingly directed to take good Security from the said Petitioners to pay One hundred pound of the above mentioned debt the first of January next and allso to pay One hundred pound yearly on the first of January untill the whole is paid. [*Passed June 22.*]

## CHAPTER 33.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative  
Records of the  
Council, xxx.,  
64.

House Jour-  
nal, pp. 15, 57.

THE ACCOUNT of M<sup>r</sup> Michael Farley Treasurer of the County of Essex being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of the said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is empowered to grant; therefore

*Resolved* that said account be allowed. [*Passed June 22.*]

## CHAPTER 34.

## RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

THE ACCOUNT of Joshua Henshaw Esq<sup>r</sup> Treasurer of the County of Suffolk being laid before the Court for allowance the following Order passed viz<sup>t</sup>

Whereas it appears upon examination of the said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is impowered to grant; therefore

*Resolved* that said account be allowed. [*Passed June 22.*]

Legislative  
Records of the  
Council, xxx.,  
64.

House Jour-  
nal, pp. 15, 39.

## CHAPTER 35.

## ORDER ALLOWING £10 TO WILLIAM BAKER.

A PETITION of William Baker messenger to the General Court Setting forth That he hath served in that capacity twenty four years past, and remembers with gratitude the Grants which have been made him for his services therein from time to time That his annual expences he can make appear amounts, with good œconomy, to more than one hundred and thirty pounds. And praying relief.

[Read and]

*Ordered* that there be allowed and paid out of the public Treasury the sum of Ten pounds to M<sup>r</sup> William Baker in further consideration of his services the year past. [*Passed June 22.*]

Legislative  
Records of the  
Council, xxx.,  
64.

House Jour-  
nal, pp. 57, 74.  
Province  
Laws, xiv., 378,  
chap. 295.  
*Ante*, p. 498,  
chap. 71; p. 579,  
chap. 93; p. 671,  
chap. 104.

## CHAPTER 36.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOSEPH STOCKMAN IN REGARD TO THE RE-HEARING OF AN ACTION.

THE COMMITTEE of both Houses appointed to consider the Petition of Joseph Stockman [in regard to an action] have attended that service and are of opinion that the said Joseph Stockman notify the adverse party by leaving an attested Copy of this Petition with him that he shew cause if any he has on the second Wednesday of the next Session of the General Court why the prayer of said Petition should not be granted, and that Execution be staid in the mean time; the said Stockman paying all cost that has arisen to this time, and give Bond to the Sheriff of the County of Essex to pay what shall finally be recovered

Legislative  
Records of the  
Council, xxx.,  
72.

House Jour-  
nal, pp. 49, 55,  
73.

ARTEMAS WARD p<sup>r</sup> Order

[Read and]

*Ordered* that the adverse party be notified accordingly; and that Execution be staid in the mean time, and that the said Joseph Stockman pay all the cost that has arisen to this time and give Bond to the Sheriff of the County of Essex to pay what shall finally be recovered. [*Passed June 22.*]



## CHAPTER 37.

## RESOLVES CONFIRMING SALE OF LANDS IN ASHFIELD AND SETTLING AFFAIRS IN REGARD TO THE SAME.

Legislative  
Records of the  
Council, xxx.,  
65.

Legislative  
Records of the  
Council, xxx.,  
32, 59. House  
Journal, pp. 43,  
66, 69, 75.  
Province  
Laws, v., 373-  
75, notes.  
*Ante*, p. 681,  
chap. 129.

*Resolved* That all the sales of Lands made by the proprietors of the Township of Ashfield by their assessors or Committee in the years 1763, 1764 1765 for payment of taxes to bring forward the settlement of said Town be confirmed and made good and valid to all intents and purposes in Law. And that the Estate in the several lots of Land purported by the several deeds thereof executed by the said proprietors assessors or Committees in the years aforesaid to be conveyed to the respective vendees their Heirs and assigns respectively in as full and ample a manner as they would have been in case there had been no defect or illegality in the proceedings in said sales made as aforesaid by the said proprietors their assessors or Committees upon condition nevertheless that each of the purchasers of the several Lots of Land sold as aforesaid, their Heirs or assigns pay within six months next after the date hereof to the persons that owned said Lots of Land at the time of the sales aforesaid, their Executors or administrators or assigns respectively the several sums of money reported by the Committee appointed by the General Court February 5. 1773 to repair to the Town of Ashfield and judge and determine what the said Lots sold as aforesaid for the payment of Taxes were actually worth more than what the said lots were sold for at the time of the sale and the damage which accrued to the owners of said Lands by said sales. And any and every of the said persons who have purchased any of the said lots sold as aforesaid for the payment of taxes and taken deeds of the proprietors, assessors or Committees as aforesaid, who shall refuse or neglect to pay to the persons that owned said lots of Land at the time of the sales aforesaid their Executors or administrators respectively the sums of money reported by the Committee to repair to the Town of Ashfield to judge and determine what said lots so sold were actually worth more at the time of the sale than said lots were sold for and the damages accruing by said sales to the owners, shall not have or receive any benefit in by or from the foregoing Resolve. And such of the said purchasers only that comply with the foregoing condition shall be benefited thereby. Be it further

*Resolved* that the proprietors of the Town of Ashfield pay Daniel Williams Esq<sup>r</sup> within twelve months after the acceptance of this report the sum of twenty pounds as an indemnification for the expense and trouble he has been put to on his own account and as agent for several of said delinquent proprietors since application has been made to the General Court in this matter. And the Committee appointed by the Court to settle the affairs of the Town of Ashfield are empowered to assess the Lands of the said proprietors and collect money for the payment of the same, and in case the aforesaid sum is not paid by the said Committee by the time prefixed as abovesaid the said Daniel shall have & maintain his action in Law against said proprietors for the recovery thereof. And that the Treasurer of the said propriety account with and pay to the said persons that were owners of said lots at the time of sale or their order, their Heirs and assigns respectively the monies arising by said sales over and above the amount of the taxes for the payment



of which said Lands were sold and the expences of said sales. And if the defendants in two several actions now pending at the Inferior Court of Common pleas within and for the County of Hampshire viz<sup>t</sup> William Dunmore and Wife plaintiffs v<sup>s</sup> Enoch Allen defendant, and Daniel Williams Esq<sup>r</sup> plaintiff v<sup>s</sup> John Wilkie defendant, pay to the plaintiffs in said suits their legal cost to be taxed by said Court, then and in that case the aforesaid suits to be discontinued; but upon failure thereof the said Daniel and William and Wife have right to proceed and pursue their actions as before this Resolve took place. [*Passed June 23.*]

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## CHAPTER 38.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF CUMBERLAND COUNTY.

THE ACCOUNT of James Milk Treasurer of the County of Cumberland being laid before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is impowered to grant; therefore

Legislative  
Records of the  
Council, xxx.,  
67.  
House Jour-  
nal, pp. 15, 32.

*Resolved* that said account be allowed. [*Passed June 23.*]

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## CHAPTER 39.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF HAMPSHIRE COUNTY.

THE ACCOUNT of Edward Pyncheon Esq<sup>r</sup> Treasurer of the County of Hampshire being laid before the Court for allowance the following Order passed viz<sup>t</sup>

Whereas it appears upon examination of the said account that all the monies granted and allowed to be paid by the Court of General Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the said Court by Law is impowered to grant; therefore

Legislative  
Records of the  
Council, xxx.,  
68.  
House Jour-  
nal, pp. 15, 73.

*Resolved* that said account be allowed. [*Passed June 23.*]

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## CHAPTER 40.

### ORDER IMPOWERING CAPT. ASA WHITCOMB TO SELL AND CONVEY LAND.

A PETITION of John Bowen of Princeton in the County of Worcester Setting forth, That he having formerly petitioned this Court concerning a tract of Land adjoining to Princeton, they appointed

Legislative  
Records of the  
Council, xxx.,  
68.

House Journal, pp. 47, 53.  
*Ante*, p. 558,  
 chap. 53.

a Committee to make sale thereof, but the Committee finding it to be of so little value have declined to advertize it for a public vendue. And praying that said Committee may be ordered to value the said Land, and that he may be allowed to purchase it, as he has through inadvertence cleared some part thereof.

[Read and]

*Ordered* that Cap<sup>t</sup> Asa Whitcomb be and hereby is impowered to sell the Lands mentioned in said Petition for the most the same will fetch, and the said Asa Whitcomb is hereby impowered to make good and sufficient deed or deeds of the same to the purchaser or purchasers, he or they giving good and sufficient security to the Province Treasurer for the sum or sums said Land may be sold for, to be paid within one year from the time of such sale with lawful interest for the same until paid, and that the said Asa Whitcomb return a plan thereof to this Court. [*Passed June 23.*]

## CHAPTER 41.

ORDER ERECTING SUNDRY PERSONS AND THEIR ESTATES LIVING IN WORCESTER, SUTTON,<sup>1</sup> OXFORD AND LEICESTER INTO A PRECINCT.

Legislative  
 Records of the  
 Council, xxx.,  
 69. Mass.  
 Archives,  
 cxviii., 664.

Mass.  
 Archives,  
 cxviii., 658-663.  
 Legislative  
 Records of the  
 Council, xxix.,  
 406. Province  
 Laws, v., 835-8,  
 notes. House  
 Journal, pp. 66,  
 68, 76.

THE COMMITTEE appointed the 23<sup>d</sup> day of January last on the Petition of Daniel Boyden and others in behalf of themselves and as agents for sundry Inhabitants of the Towns of Worcester, Oxford, Sutton and Leicester made report; in consequence of which, the following Order passed viz<sup>t</sup>

*Ordered* That Gershom Rice Israel Stevens, David Bancroft, Jonathan Stone, Daniel Boyden, Jacob Stevens, Thomas Drury, Thomas Drury jun<sup>r</sup> Henry Gale, William Bancroft, James Nichols, Darius Boyden, Jam[es] Hart, Thomas Baird, James Hart jun<sup>r</sup> Thomas Baird jun<sup>r</sup> Oliver Curtis Comfort Rice, Elizabeth Boyden, Phebe Bancroft John Boyden, Daniel Bancroft, Charles Hart, James Nichols Peter Boyden, of Worcester, Benjamin Carter, Charles Richardson Timothy Carter, Phinehas Rice, Benjamin Carter jun<sup>r</sup> Rachel Buck, Daniel Roper, Gershom Biglow, Gershom Biglow jun<sup>r</sup> Peter Hardy, Daniel Cummings, Charles Richardson jun<sup>r</sup> of Sutton, Samuel Eddy, Levi Eddy, Peter Jennison, Ruth Stone Jesse Stone, Isaac Pratt, Abraham Fitts, Alexander Nichols, David Gleason, of Oxford, John Crowl jun<sup>r</sup>, Andrew Crowl Jonathan Phillips, John Hart, Thomas Scott, William Young Jonathan Stone, of Leicester, be and hereby are, with their Families and Estates, erected into a Precinct, and shall enjoy all the powers and privileges which other Precincts in this Province by Law enjoy And it is further

*Ordered* that all other Persons (with their Families & Estates) living in the Towns of Worcester, Leicester & Oxford, not further than three miles, as the Roads are now trod, from the place herein after fixed for building the meeting house upon, together with such others in Sutton that live not further than one mile and an half from said place, who shall signify their desire to belong to said Precinct by lodging their names in the Secretarys office within [n]ine months from this date, be and hereby are Incorporated and made a part of the Precinct aforesaid.

<sup>1</sup> The House Journal, p. 76, reads, "*Mendon.*"

*Ordered* that the spot for erecting the meeting house upon be at the following place viz<sup>t</sup> at an Oak stump with Stones upon it standing on the Westerly side of the County Road leading from Worcester to Oxford near the center of two acres of Land which Thomas Drury conveyed to Jonathan Stone, Daniel Boyden and David Bancroft; the said two acres of Land with in the Gore of Land that was annexed to the Town of Worcester. [*Passed June 23.*]

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## CHAPTER 42.

### RESOLVE ALLOWING FURTHER TIME TO CHAS<sup>s</sup> GOODRICH FOR THE PAYMENT OF HIS DEBT TO THIS PROVINCE.

ON A MOTION made and seconded that Charles Goodrich may be allowed a further time for the payment of the sum of four hundred and forty two pounds nine shillings and six pence due from him the said Charles to this Government for Province Lands heretofore purchased.

*Resolved* that the said Charles Goodrich be allowed the further term of two years to pay in the whole of said sum of four hundred and forty two pounds, nine shillings and six pence, he giving sufficient security to the Province Treasurer for the time being to pay to the said Treasurer or his successor in said office the one half of said sum by the 20<sup>th</sup> day of June next with lawful interest for the same, and the remaining half thereof with interest also by the 20<sup>th</sup> day of June then next following; and upon security given as aforesaid the Treasurer is hereby directed to discharge the Execution against him the said Charles; provided the abovesaid sum amounts to the whole of what is due from him thereon. [*Passed June 24.*]

Legislative  
Records of the  
Council, xxx.,  
70.

House Jour-  
nal, pp. 73, 77.  
*Ante*, p. 716,  
chap. 16.

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## CHAPTER 43.

### ORDER DESIRING THE GOVERNOR TO JOIN WITH THE GOVERNOR OF NEW YORK IN APPOINTING SURVEYORS TO RUN THE NEW YORK LINE.

*Ordered* that the Thanks of the two houses be & hereby are given to the Gentlemen employed on the part of this province to settle the Line with N York for their faithfull discharge of the Trust reposed in them; that their proceedings be copied in the secretary's office, that His Excellency the Governor be desired to join with The Governor of New York in the Appointment of one or more Surveyors, and Necessary Chainmen to Run and mark the Lines Agreed on as soon as may be, and That Joseph Hawley Esq<sup>r</sup> one of the Commissarys on the part of this province be desired To Attend & see to the faithfull runing and marking said Line and authenticate the report of such surveyor or surveyors who with the chainmen shall be under Oath for the faithful performance of this business; and that such report of the surveyors Be recorded in the Secretarys office with the journal of the proceedings of the Commissarys, and be printed with it; that a Copy of such journal be delivered to Each

Legislative  
Records of the  
Council, xxx.,  
72. Mass.  
Archives, iv.,  
342.

Mass.  
Archives, iv.,  
335-343. Legis-  
lative Records  
of the Council,  
xxx., 10, 303.  
House Jour-  
nal, p. 63.  
Province  
Laws, v., 176,  
chap. 18; 186,  
notes. *Ante*,  
p. 680, chap.  
127.

member of the General Court, and also a Copy for The use of Each Town in the province, and that the printing of the same be under the Inspection & correction of the said Commissarys. [*Passed June 24.*]

## CHAPTER 44.

RESOLVE WITH STAY OF PROCEEDINGS ON THE PETITION OF THOMAS FLETCHER TO ALLOW FURTHER TIME FOR THE PAYMENT OF A DEBT.

Legislative  
Records of the  
Council, xxx.,  
73.

Mass.  
Archives, cxx.,  
705-708. House  
Journal, pp. 78,  
83.

ON THE PETITION of Thomas Fletcher Whereas the Province Treasurer commenced a suit upon certain Bonds given by said Thomas to the Treasurer aforesaid and recovered Judgment thereon at the Inferior Court held at Boston in April last, from which Judgment the said Thomas appealed to the then next Superior Court.

*Resolved* that the prayer of said Petition be so far granted that the Treasurer be and hereby is directed to drop said suit and stay all further proceedings thereon for the term of two years, the said Thomas allowing the interest during said term till the money be paid, he giving Bond with two sureties for the payment of the principal sum and Interest with the costs that have arisen. [*Passed June 25.*]

## CHAPTER 45.

ORDER APPOINTING A COMMITTEE TO COUNTERSIGN TREASURER'S NOTES.

In the House of Representatives

*Ordered* that Mr Speaker and Mr Adams with such as the Hon<sup>ble</sup> Board shall joyn be a Committee to countersign the Treasurers notes as they may from time to time be issued by Vertue of an Act of this Court

In Council Read & Concurred & James Pitts Esq<sup>r</sup> is joined. [*Passed June 25.*]

Legislative  
Records of the  
Council, xxx.,  
74. Mass.  
Archives, civ.,  
628.

House Jour-  
nal, p. 84.  
Province  
Laws, v., 299,  
chap. 9; 357,  
note.

## CHAPTER 46.

RESOLVE INPOWERING THOMAS HUBBARD, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Hubbard of Boston Esq<sup>r</sup> the only acting Executor of the last Will and Testament of John Osborne late of said Boston Esq<sup>r</sup> deceased Setting forth, That he recovered Judgment against one Jeremiah Russell of said Boston upon a mortgage deed of a certain House and Land in Milk Street to the said John Osborne; that the time of redemption is expired and the Estate mortgaged is become an absolute Estate in the residuary Legatees of the said Osborne: That since the Judgment the House has been provisionally burnt and the Land will not sell for the value of the principal and interest due upon the said mortgage. That Samuel Osborne the eldest Son of the Testator, and one of the residuary Legatees, deceased since his Father and his Estate has been repre-

Legislative  
Records of the  
Council, xxx.,  
75.

House Jour-  
nal, pp. 37, 80.  
Province  
Laws, ii., 151,  
chap. 10.

sented Insolvent, and it is not practicable for the Representatives of the said Samuel to join with the other residuary Legatees in the sale of the premises. And praying that he may be impowered to make sale thereof in order to the completing his administration of the said Estate.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully impowered to make sale of the Estate in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof, he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Suffolk that he will apply the proceeds of such sale according to the directions of the Testator in his last Will and Testament. [*Passed June 25.*]

## CHAPTER 47.

RESOLVE IMPOWERING ELIZA TRAY, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elizabeth Tray of Natick Indian Woman Setting forth, That she hath no Child nor any near relation, and hath about twenty acres of Land in said Natick which she acquired by her industry in her younger days That she has always supported herself until about three years ago, when she had her arm broke which, not being well set, hath disabled her from labour. And, as the said Land is chiefly wild and can be of very little advantage towards her support, Praying that she may be impowered to make sale thereof under the direction of the Guardians of the Natick Indians, for her support.

Legislative  
Records of the  
Council, xxx.,  
77.

House Jour-  
nal, pp. 71, 82.  
Province  
Laws, ii., 151,  
chap. 10.  
*Ante*, p. 572,  
chap. 78.

[Read and]

*Resolved* that the prayer of this Petition be so far granted as that the Guardians of the Natick Indians be and are hereby impowered to make sale of the Land mentioned in the Petition for the most the same will fetch, and to make and execute a good deed or deeds thereof in Law to the purchaser or purchasers; they observing the rules of the Law for the sale of Real Estates by Executors and administrators, and the Guardians shall apply so much of the money arising by means of said sale to the payment of the Petitioners just debts as is sufficient therefor, and the remainder to be put out to interest for her support; and in case there is any remainder at the time of her decease, the Guardians to be accountable for the same to this Court. [*Passed June 25.*]

## CHAPTER 48.

RESOLVE IMPOWERING FORTUNE BURNE AND WIFE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Fortune Burne and Abigail his Wife both of Grafton in the County of Worcester; the said Abigail being one of the Tribe of Hasanamisco Indians Setting forth That the said Abigail owns a tract of Land in said Grafton where they now dwell, on which

Legislative  
Records of the  
Council, xxx.,  
78. Mass.  
Archives,  
xxxiii., 590.



Mass.  
Archives,  
xxxiii., 589.  
House Jour-  
nal, pp. 54, 83.  
Province  
Laws, xvii.,  
269, chap. 104.

there is a dwelling house but no Barn to secure the produce of said Farm, by means of which they sustain yearly a loss in their Grain Flax, Hay &c and praying that they may have liberty under the direction of the Guardians of said Tribe to make sale of as much Land where it can be best spared as will raise a sum sufficient to build a small Barn.

[Read and]

*Resolved* that the Prayer of Said [Petiti]'on be Granted, & that they be Impowered & have Liberty (under the Directions of the Guardians of Said Tribe) to make Sale of as much Land where it can be best Spared as the Proceeds Whereof will be Sufficient to Build them a Small Barn to Secure their Crops. [*Passed June 25.*]

## CHAPTER 49.

RESOLVE IMPOWERING JOB AHAWTON AND WIFE & ELIZABETH SPEAN, INDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
78.

House Jour-  
nal, pp. 71, 82,  
83. Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 572, chap. 78.

A PETITION of Job Ahawton and Elizabeth his Wife and Elizabeth Spean all of Natick Indians Setting forth, That the said Elizabeth Ahawton is the owner of one sixth part of about 40 acres of unimproved Land in said Natick and the said Elizabeth Spean owns another certain part of the said forty acres lying in common and undivided with Land of John Ephraim who has already obtained liberty to make sale of his right in the premises that the said Land can be sold together to much greater advantage to the owners than it would be to divide the same and each sell their respective parts. That the said Elizabeth Ahawton is also the owner of a small lot of Land at some distance from her home place containing about 13 or 15 acres; part of which by some mistake hath been conveyed by deed through several hands and is now improved and in the possession of Asa Drury who is willing to pay for the same as [much as] it is worth as wild Land; and the remainder thereof is not likely to be of any advantage to her, as it now lieth wild and unimproved. And praying that they may have liberty to make sale of their respective interests in the Lands aforesaid; the money arising by such sale to be under the care of the Guardians of the Natick Indians.

[Read and]

*Resolved* that the prayer of this Petition be so far granted, as that the Guardians of the Natick Indians be and hereby are impowered to make sale of the Lands mentioned in the Petition for the most the same will fetch, and to make and execute a good deed or deeds thereof in Law to the purchaser or purchasers; they observing the rules of the Law for the sale of Real Estates by Executors and administrators; and the said Guardians shall apply so much of the money arising by means of said sales to the payment of the Petitioners just debts as is sufficient therefor, and the remainder to be put out to Interest for the Petitioners support and relief as there shall be occasion. [*Passed June 25.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xxx., 78.



## CHAPTER 50.

RESOLVE IMPOWERING ELEAZER JOHNSON AND JONATHAN BRADISH, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Eleazer Johnson and Jonathan Bradish Executors of the last Will and Testament of Cap<sup>t</sup> Eleazer Johnson late of Charlestown deceased Setting forth That in April 1771 they petitioned this Court praying that, in their capacity aforesaid, they might be impowered to make sale of half a dwelling house and some Land adjoining which were set off to the Representatives of Katherine Johnson deceased in the division of the Real Estate of the said Eleazer Johnson deceased, but the Court misapprehending the prayer of their said Petition impowered them "to join with the other Heirs of the said Eleazer Johnson deceased" in the sale thereof; That one of the Heirs of the said Eleazer Johnson being non compos cannot join in the sale of the premises. And, as the power before granted is insufficient for conveying the Estate before mentioned, Praying that they may be impowered in their aforesaid capacity, to make sale thereof and to make and execute a sufficient deed of the same.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioners Eleazer Johnson and Jonathan Bradish be and they are hereby accordingly impowered in their said capacity to sell and convey the half part of the House and Land which was set off to the Representatives of Katherine Johnson, as in the Petition mentioned, and to execute a good & sufficient deed or deeds in Law of the same, they observing the rules of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Middlesex that they will account for and pay the proceeds of the said sale to the Representatives aforesaid in such parts or proportions as they would have had and enjoyed in case the same had not been sold. [*Passed June 25.*]

Legislative  
Records of the  
Council, xxx.,  
79.

House Jour-  
nal, pp. 32, 81.  
Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 523, chap.  
121.

## CHAPTER 51.

RESOLVE IMPOWERING JONATHAN BRADISH, ADMINISTRATOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Jonathan Bradish administrator on the Estate of Mary Hopkins deceased, who was a daughter of Isaac Johnson late of Charlestown deceased Setting forth, That the said Mary died possessed of an undivided fifth part of a House and Land in Charlestown That the persons appointed by the Judge of Probate, finding the said House and Land incapable of a division, the other owners thereof have agreed to sell their parts of the same. And praying that he may be impowered to make sale of the said fifth part of the House and Land aforesaid, for the benefit of the Heirs.

[Read and]

*Resolved* that the prayer of the Petition be granted and that the said Jonathan Bradish the Petitioner be and hereby is impowered

Legislative  
Records of the  
Council, xxx.,  
80.

House Jour-  
nal, p. 81.  
Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 523, chap.  
120. *Supra*,  
chap. 50.

to sell and convey all the Estate mentioned in the Petition for the most the same will fetch, and give sufficient deed or deeds thereof, he observing the rules of the Law relative to the sale of Real Estates by Executors and administrators and give sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds of said sale shall be applied towards paying the debts of the said Mary if any there be; if not, the same shall be distributed among the right Heirs in such proportion or proportions as they would inherit had the same not been sold as aforesaid. [*Passed June 25.*]

## CHAPTER 52.

### RESOLVE IMPOWERING KATH<sup>A</sup> JOHNSON, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
80.

House Jour-  
nal, pp. 81, 82.  
Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 522, chap.  
120; p. 523,  
chap. 121.  
*Supra*, chap.  
51.

A PETITION of Katherine Johnson Widow of Isaac Johnson late of Charlestown deceased and Guardian to her Son Samuel Johnson a person non compos Setting forth, That Eleazer Johnson late of Charlestown Shopkeeper deceased, Father to the said Isaac and Grandfather to the said Samuel, by Will, gave to the Children of his Son Isaac deceased one sixth part of his whole Estate Real and personal That in the division of the Real Estate of the said Eleazer there was assigned to the Children of the said Isaac a piece of Land in Charlestown aforesaid situated on the main Street between a House and Land belonging to the Heirs of the aforesaid Isaac Johnson and a House and Land belonging to M<sup>r</sup> Jonathan Bradish; one third part of which piece of Land belongs to the said noncompos. That the Heirs of the other two third parts thereof finding it for their interest, are about selling the same. And, as the Petitioner apprehends it will be for the interest also of the said non compos to make sale of his third part thereof, Praying that she may be empowered to sell the same accordingly.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner Catherine Johnson be and is hereby empowered to sell the one third part of the Lot of Land owned by the noncompos mentioned in this Petition for the most it will fetch, observing the rules of the Law for the sale of Real Estates by Executors and administrators and give security to the Judge of Probate for the County of Middlesex that the proceeds arising by said sale shall be applied as necessary for the support of the said noncompos, and if any thereof should remain in the hands of the Petitioner at the decease of the said non compos, be divided to and among his Heirs or their legal Representatives in the same manner they would have inherited had the Land not been sold. [*Passed June 25.*]

## CHAPTER 53.

### RESOLVE CONFIRMING A PLAN OF 500 ACRES OF EQUIVALENT LAND GRANTED TO ROSS AND HEZEKIAH WYMAN.

Legislative  
Records of the  
Council, xxx.,  
82.

*Resolved* that the Plan hereunto annexed of five hundred acres of Land granted to Ross Wyman and Hezekiah Wyman in February last delineated and described as followeth viz<sup>t</sup> beginning 38 rods West

of the S W corner of Jonathan Spragues grant and runing West 3° South seven hundred and sixty two rods to a stake and stones, thence north 3° West one hundred and four rods to a stake and stones, thence East 3° twenty minutes north seven hundred and sixty two rods, thence South 3° East one hundred and six rods to the first mentioned bounds (thirty eight rods from Spragues Grant) be accepted and hereby is confirmed unto the said Ross Wyman and Hezekiah Wyman their Heirs and assigns forever in lieu of and in full satisfaction for the loss of Land that Seth Wyman (Father of the said Ross and Hezekiah Wyman) sustained by runing of the line between this Province and the Province of Newhampshire; provided that it doth not exceed the quantity of five hundred acres, nor interfere with any former Grant. [*Passed June 25.*]

House Journal, p. 79.  
*Ante*, p. 43,  
chap. 82; p. 683,  
chap. 141.

## CHAPTER 54.

### RESOLVE CONFIRMING A PLAN OF 800 ACRES OF EQUIVALENT LAND GRANTED TO BENJ<sup>A</sup> PRESCOT, ESQ<sup>B</sup>.

*Resolved* that the plan hereunto annexed of eight hundred acres of Land granted to Benjamin Prescott Esq<sup>r</sup> in June AD. 1771 delineated and described as follows viz<sup>t</sup> begining at a hemlock marked by Saco River and runing north 60° East two hundred and eighty one rods, thence runing South 30° East three hundred and sixty one rods, thence South 60° West five hundred and one rods to Saco River, thence bounded on Saco River till the line comes to the bound mark first mentioned, be accepted and hereby is confirmed unto the said Benjamin Prescott his Heirs and assigns forever, in lieu of and in full satisfaction for his loss of Land in the Township N° one, and New Ipswich by runing of the Newhampshire line, provided that it doth not exceed the quantity of eight hundred acres (exclusive of an allowance of one rod in thirty for swag of chain) nor interfere with any former Grant. [*Passed June 25.*]

Legislative Records of the Council, xxx., 82.

House Journal, pp. 51, 62, 70, 80. *Ante*, p. 538, chap. 16.

## CHAPTER 55.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

THE ACCOUNT of William Lithgow Esq<sup>r</sup> Treasurer of the County of Lincoln being laid before the Court for allowance, the following Order passed viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of Sessions of the peace for said County for the year 1772 were for such purposes and appropriations as the Law impowered said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed June 25.*]

Legislative Records of the Council, xxx., 83.

House Journal, pp. 15, 23, 25.

## CHAPTER 56.

## RESOLVE GRANTING 400 ACRES OF EQUIVALENT LAND TO CALEB HOLDEN AND OTHERS.

Legislative  
Records of the  
Council, xxx.,  
84.

Maps and  
Plans, Mis.,  
xiv., 20. House  
Journal, pp. 39,  
83, 84. Prov-  
ince Laws, xii.,  
105, chap. 229;  
254, chap. 291;  
348, chap. 201.  
*Ante*, p. 43,  
chap. 82.

A PETITION of Caleb Holden of Deerfield Setting forth, That his Father John Holden owned one whole right in a Township granted by the General Court to the Company under the late Cap<sup>t</sup> William Tyng and others in the year 1734; which Township on runing the line between the two Provinces, fell into the Government of Newhampshire. And praying that a consideration may be made to him and the other Heirs of the said John Holden viz<sup>t</sup> Amos, Isaiah, Nehemiah and David Holden, Sarah Hartwell, Rachel Gould and Hannah Blood, for the loss aforementioned.

[Read and]

*Resolved* that there be and hereby is granted to Caleb Holden, Amos Holden, Isaiah Holden, Nehemiah Holden, David Holden Sarah Hartwell, Rachel Gould and Hannah Blood their Heirs and assigns four hundred acres of Land to be laid out in the unappropriated Lands of this Province in lieu of and full satisfaction for the Land John Holden Father of the aforementioned persons lost in a Township called Tyngs Town by runing the Line between this Province and the Province of Newhampshire, and that the said Grantees at their own cost cause the same to be laid out by a skilful Surveyor and Chainmen under Oath and return a plan to the General Court for confirmation within twelve months. [*Passed June 25.*]

## CHAPTER 57.

## RESOLVE ALLOWING PAYMENT FOR EXPENSES OF COMMISSARIES IN SETTLING NEW YORK LINE.

Legislative  
Records of the  
Council, xxx.,  
85. Mass.  
Archives, iv.,  
346.

Mass.  
Archives, iv.,  
345-348. House  
Journal, pp. 66,  
76, 85. Prov-  
ince Laws, v.,  
176, chap. 18.  
*Ante*, p. 729,  
chap. 43.

AN ACCOUNT of the expences of the Commissaries for settling the Line with New York, in their Journey to Hartford, whilst there, and till their arrival home, being laid before the Court, the following Order passed viz<sup>t</sup>

*Resolved*

That the sum of One hundred twenty four pounds six shillings & Eight pence half penny be allowed the Hon<sup>ble</sup> William Brattle Esq<sup>r</sup> for the Expences of the Commissaries on their Journey to Hartford in May 1773 as by the above Acco<sup>t</sup>, & that the further sum of Twenty pounds be allowed the Hon<sup>ble</sup> William Brattle Esq<sup>r</sup> & twenty pounds to the Hon<sup>ble</sup> Joseph Hawley Esq<sup>r</sup> & Twenty pounds to the Hon<sup>ble</sup> John Hancock Esq<sup>r</sup> for and in Consideration of their time in said service and that the said William Brattle Esq<sup>r</sup> pay the Sum of fifteen pounds thirteen shillings & three pence half penny bein the remainder of two hundred pounds in his Hands, into the province Treasury. [*Passed June 26.*]

## CHAPTER 58.

## RESOLVE FOR SELLING PROVINCE LAND ON DEERFIELD RIVER.

In the House of Representatives.

*Resolved* that all that tract of unappropriated Land lying together and both sides of Deerfield River west of Charlemont and Merrifield and east of Bullocks Township so called and so to extend the same course northerly with the east line of Bullocks Township to the north line of the Province, be sold in three pieces at public vendue on the fourth Wednesday of the next Session of the General Court, at the dwelling house of Daniel Jones Inholder in Boston at three of the clock in the afternoon viz<sup>t</sup> one piece bounding East on Charlemont or Grants, northerly on a Grant made to Samuel Pierce and Lock on Hoosuck mountain, and all the Province Land Southerly of said Pierces and Locks grants and Easterly of Bullocks grant and northerly of number seven; and also another piece of Land lying east of Deerfield River and adjoining thereon and northerly of a Brook called Pelham Mill Brook and Westerly and Southerly on a tract of Land called Merrifield and a Grant made to Fullam; the other piece lying West of Deerfield River and bounding thereon and on Jones's Grant called Merrifield, and Southerly on said Pierce's and Lock's Lands and easterly on said Bullocks Grant, and to extend north from Bullocks northeast corner the same course with Bullocks east line to the north line of the Province, and that M<sup>r</sup> Hancock and M<sup>r</sup> Phillips with such as the hon<sup>ble</sup> Board shall join be a Committee to sell the same as aforesaid; which Committee shall in behalf of this Province make and execute a good Deed or Deeds of the same to the highest bidder when he shall pay the purchase money into the hands of said Committee for the use of this Province, which shall be by said Committee paid into the Province Treasury, and that the said purchaser or purchasers at the time of sale shall pay one eighth part of the sum so bidden as earnest, and in case said purchaser or purchasers do not pay the whole of the purchase money within one year from the time of such sale, he shall not be intitled to such deed or the earnest money paid at the time of sale; and the said Committee shall give notice of the sale aforesaid by publishing in the Massachusetts and Boston Gazette an attested Copy of this Resolve three Weeks successively in the month of September next, if the Court should not sit before that time, and also the three Weeks next preceeding the time of sale, and that said Committee as soon as may be employ Samuel Taylor of Charlemont Surveyor with two sufficient Chainmen (the said Surveyor and Chainmen to be under Oath) to take an actual Survey of said Lands, and return a plan thereof to them at or before said time of sale.

In Council, Read and Concurred and James Russell Esq<sup>r</sup> is joined.<sup>1</sup>  
[Passed June 26.]

Legislative  
Records of the  
Council, xxx.,  
86.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 59.

RESOLVE IMPOWERING NEHEMIAH RAND, ADM<sup>r</sup>, TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
87.

House Jour-  
nal, p. 81.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Nehemiah Rand administrator cum testamento annexo of the Estate of Nathaniel Sheaffe late of Charlestown in the County of Middlesex deceased Setting forth That the personal Estate of the said deceased is not sufficient to discharge his just debts. And praying that he may be impowered to make sale of the whole of the Real Estate of the said deceased, or of so much thereof as will enable him to discharge the debts.

[Read and]

*Resolved* that the prayer of this Petition be granted, and that the Petitioner be and he hereby is fully impowered to make sale of the whole Real Estate of which the Testator died siezed and make and execute a good Deed or Deeds thereof in Law, he observing the rules of the Law relative to the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Middlesex that the proceeds of such sale shall be applied for the payment of the just debts of the Testator, and if there should be any overplus, to be divided to and among his right Heirs in such proportion as though the said Real Estate had not been sold. [*Passed June 26.*]

## CHAPTER 60.

RESOLVE GRANTING A TRACT OF LAND NEAR ASHFIELD TO JOSEPH  
WASHBURN.

Legislative  
Records of the  
Council, xxx.,  
87. Mass.  
Archives, lix.,  
593.

Mass.  
Archives, lix.,  
592. House  
Journal, pp. 62,  
89.

A PETITION of Joseph Washburne of New Braintree Praying that a tract of Land lying north of and adjoining to Ashfield may be granted him for such a sum of money as shall be judged meet.

[Read and]

*Resolved* that there be and hereby is granted to the Petitioner Joseph Warshburn his Heirs and Assigns for Ever: A certain piece of Land North of and Near the North East corner of Ashfield All y<sup>e</sup> Province Land Bounded, Northerly on Grants, Easterly on Conway southerly on Ashfield Westerly and partly southerly on Grants: And on One Hundred & Fifty Acres Surveyed by Abel Cross Provided he the Said Joseph Washburn return a plan thereof at the Next Session of the General Court taken by a Surveyor and Chain men under Oath: And Also at the Same time pay or give Security to pay the Province Treasurer, three Shillings an acre for Every Acre the Same Shall contain, to be paid within one year with Lawfull Interest for y<sup>e</sup> Same till paid. [*Passed June 26.*]



## CHAPTER 61.

## RESOLVE APPOINTING A COMMITTEE TO ASCERTAIN CERTAIN LANDS BELONGING TO THIS PROVINCE.

In the House of Representatives.

*Resolved* that M<sup>r</sup> Bragdon and M<sup>r</sup> Cutt with such as the honorable Board shall join, be a Committee to ascertain the Lands belonging to this Province lying between Saco River and the line between this Province and the Province of Newhampshire and particularly to ascertain the boundary line or lines between the Land belonging to this Province lying in the place beforesaid and the Lands claimed by proprietors holding under Major William Phillips and Bridget Phillips, and also to look into and examine the claims of the proprietors aforesaid, and make report.

In Council, Read and Concurred and James Gowen Esq<sup>r</sup> is joined.  
[*Passed June 26.*]

Legislative  
Records of the  
Council, xxx.,  
88.

Legislative  
Records of the  
Council, xxix.,  
522. House  
Journal, p. 89.

## CHAPTER 62.

RESOLVE IMPOWERING SAM<sup>l</sup> PHILLIPS SAVAGE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

THE COMMITTEE appointed the 26<sup>th</sup> instant on the Petition of Samuel Phillips Savage [guardian, to be empowered to sell real estate] made report; whereupon the following Order passed viz<sup>t</sup>

*Resolved* that the prayer of the Petition be so far granted as that the Petitioner be and he hereby is authorized and empowered to make sale of the Real Estate mentioned in the Petition in the County of Plimouth, and to make and execute a good deed or deeds in Law of the same, he observing the directions of the Law for the sale of Real Estate by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the money arising from the sale thereof be applied as soon as may be for the purchasing of such Real Estate as shall be most for the benefit of the minor mentioned in the Petition, the income of such Estate to be applied for the use of said minor, and at her decease to the use of her legal Heirs in such proportions as they could inherit in case the Estate mentioned in the Petition had not been sold. [*Passed June 28.*]

Legislative  
Records of the  
Council, xxx.,  
90.

Legislative  
Records of the  
Council, xxx.,  
74, 85. House  
Journal, pp. 31,  
48, 84, 88, 92.  
Province  
Laws, ii., 151,  
chap. 19.

## CHAPTER 63.

## RESOLVE ALLOWING £11. TO JAMES KIRKWOOD.

A PETITION of James Kirkwood Keeper of the Lighthouse on Thachers Island Praying an allowance for his service and the services of his two assistants in taking the care of the said Lighthouse from December 1771 to this time.

[Read and]

*Resolved* that the Sum of Eleven pounds be paid out of the Treas-

Legislative  
Records of the  
Council, xxx.,  
93. Mass.  
Archives,  
lxvi., 535.

Mass.  
Archives,  
lxvi., 533.

House Jour-  
nal, pp. 56, 85,  
93. Province  
Laws, v., 151,  
note.

ury to the petitioner which Sum together with the Sum of Eighty Nine pounds Six Shillings by him already Received & Also his wood be in full for his and his Two assistants Service as Keepers of Said Light House from the month of Dec<sup>r</sup> A.D: 1771 to this time.  
[*Passed June 29.*]

## CHAPTER 64.

### ORDER APPOINTING A COMMITTEE TO TAKE CARE OF LIGHTHOUSE ON THATCHERS ISLAND.

Legislative  
Records of the  
Council, xxx.,  
93. Mass.  
Archives,  
lxvi., 532.

House Jour-  
nal, pp. 56, 85,  
93 *bis*. Prov-  
ince Laws, v.,  
137, chap. 35;  
151, note.  
*Supra*, chap.  
63.

In the House of Representatives  
*Order<sup>d</sup>* that Cap Darby & M<sup>r</sup> Allen with such as the Hon Board shall joyn be a Committee to take the Care of the light houses on Thachers Island, and to Give Directions Respecting the Lights and the Island on which they Stand, untill the further order of this Court.

In Council read & Concurred & John Erving Esq<sup>r</sup> is joined.  
[*Passed June 29.*]

## CHAPTER 65.

### ORDER APPOINTING A COMMITTEE TO BURN GOVERNMENT SECURITIES.

Legislative  
Records of the  
Council, xxx.,  
93. Mass.  
Archives, civ.,  
636.

House Jour-  
nal, p. 96.

In the House of Representatives  
*Orderd* that M<sup>r</sup> Speaker M<sup>r</sup> Adams & M<sup>r</sup> Hancock with such as the Hon Board shall joyn be a Committee in the Recess of this Court to repair to the Treasurers Office see that the Government Securities that have been redeemed be consumed to Ashes & report their Doings thereon to this Court

In Council Read & Concurred & John Erving & James Pitts Esq<sup>rs</sup> are joined. [*Passed June 29.*]

## CHAPTER 66.

### RESOLVE ACCEPTING REPORT OF THE COMMITTEE APPOINTED ON THE GENERAL ACCOUNT OF THE PROVINCE TREASURER ENDING MAY 26, 1773, AND DISCHARGING HIM OF £16,636. 0. 4.

Legislative  
Records of the  
Council, xxx.,  
93.

Legislative  
Records of the  
Council, xxx.,  
31. House  
Journal, pp. 24,  
91, 95.

THE COMMITTEE to whom was referred the examination of the accounts of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majesty's Revenues within the Province of the Massachusetts Bay in New England beginning the 27<sup>th</sup> May 1772 and ending the 26 May 1773, having attended that service and upon examining the same find them right cast and well vouched, by which it appears that said accomptant charges himself with the sum of Sixty seven thousand one hundred and eighteen pounds, sixteen shillings and nine pence being so much due for Taxes as represented by his last account. Also with the sum of twelve thousand six hundred and sixty five pounds, three shillings and eleven pence being the balance of his last years account. Also with the sum of twenty seven thousand five hundred pounds being a Tax laid upon polls

and Estates by virtue of an act passed the General Court at their Sessions in October 1770. Also with the sum of nine hundred and nine pounds borrowed of sundry persons for which [he] gave notes payable in June 1774. Also with the sum of eighteen hundred and twenty five pounds, eight shillings and five pence received of sundry persons for Lands. Also with the sum of nine pounds, sixteen shillings and four pence received of sundry Justices for Fines; also with the sum of five hundred and fifteen pounds one shilling and eight pence received of the hon<sup>ble</sup> James Russell Esq<sup>r</sup> for Impost duties all which sums amount to one hundred and ten thousand five hundred and forty three pounds, seven shillings and one penny. The Committee further find that the said accomptant discharges himself by sundry payments and disbursements by order of the Governor and Council amounting to thirteen thousand four hundred and eleven pounds and four pence. Also by one years interest paid on Government securities amounting to three thousand & twenty five pounds. Also by a remittance of a Tax due from the Town of Milton amounting to two hundred pounds. Also by Taxes due from the several Towns outstanding amounting to sixty one thousand seven hundred and thirty two pounds, five shillings and four pence. Also by a balance further to account for amounting to thirty two thousand one hundred seventy five pounds, one shilling and five pence; all which sums amount to one hundred and ten thousand five hundred & forty three pounds, seven shillings and one penny.

Whereupon the following Order passed the Court viz<sup>t</sup>

*Resolved* that the Treasurer be discharged of the aforesaid payments amounting to sixteen thousand six hundred and thirty six pounds and four pence, and that he be accountable for the sum of Sixty one thousand seven hundred and thirty two pounds, five shillings and four pence being outstanding Taxes when received into the Treasury and for the balance in hand being thirty two thousand one hundred and seventy five pounds, one shilling and five pence. [*Passed June 29.*]

## CHAPTER 67.

### RESOLVE IMPOWERING JONA<sup>A</sup> CAPEN, GUARDIAN OF PUNKAPAU INDIANS, TO SELL REAL ESTATE.

A PETITION of Jonathan Capen Guardian to the Puncapaug<sup>1</sup> Indians Setting forth That the said Tribe are now indebted above twenty pounds, beside what is due to him for six years service, and that he has nothing in his hands to pay their debts. And praying that his accounts may be examined that he or some other person may be enabled to sell some part of their Lands to discharge their debts, and that he may be discharged from the office of Guardian to the said Tribe of Indians.

[Read and disposed of as follows:]

Whereas it appears upon the examination of Jonathan Capens account Guardian to the Puncapaug Indians that the said Tribe of Indians are justly indebted to sundry persons to the amount of the sum of thirty one pounds, nineteen shillings and eight pence half penny; therefore

Legislative  
Records of the  
Council, xxx.,  
97.

Mass.  
Archives,  
xxx., 580-582.  
House Jour-  
nal, pp. 43, 84,  
85, 96. Prov-  
ince Laws, II.,  
151, chap. 10.  
*Ante*, p. 246,  
chap. 44.

<sup>1</sup> The House Journal, p. 96, reads, "Natick" Indians.

*Resolved* that the prayer of the Petition be so far granted as that he the said Jonathan Capen be and he hereby is impowered to make sale of so much of the unimproved Land of said Indians (where it will be the least prejudicial to the remainder) as to pay the aforesaid sum and the necessary charges of the sale, and to make and execute a good Deed or Deeds thereof in Law to the purchaser or purchasers, he conforming to the rules of the Law relative to the sale of Real Estates by Executors and administrators. [*Passed June 29.*]

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## CHAPTER 68.

RESOLVE ALLOWING £4 AND A FURTHER SUM OF £4 ANNUALLY TO JEREM<sup>th</sup> WITHAM.

Legislative  
Records of the  
Council, xxx.,  
121.

House Jour-  
nal, pp. 48, 96.

ON THE PETITION of Jeremiah Witham who was a Soldier in the service of this Province in the year 1763 and wounded in the same service and praying relief; it appearing that the facts set forth in said Petition are true: therefore

*Resolved* that there be now paid out of the Province Treasury to Thomas Bragdon Esq<sup>r</sup> for the use of the Petitioner the sum of four pounds, and that said Petitioner be allowed the sum of four pounds each year to come in consideration of the sufferings in his Petition mentioned during the term of five years or until his death in case it shall happen within that time. [*Passed June 29.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF JANUARY, A.D. 1774.

## CHAPTER 69.

ORDER ANNEXING DAVID PARKER AND OTHERS WITH THEIR FAMILIES  
AND ESTATES TO THE THIRD PARISH IN LYNN.

A PETITION of David Parker and others of Lynn Setting forth, That they are a part of the first Parish in said Lynn, altho' their Estates are included in the third Parish in the said Town That they have for some time past attended public worship in the said third Parish, where it is most convenient for them and where their help, to support the worship of God, is wanted. And praying that they with their Estates included in the boundaries of the said third Parish in Lynn may be annexed thereto.

Legislative  
Records of the  
Council, xxx.,  
24. Mass.  
Archives, xlv.,  
699.

Mass.  
Archives, xlv.,  
697. Legisla-  
tive Records of  
the Council,  
xxx., 125.  
House Jour-  
nal, pp. 77, 80,  
81, 83.

Read and

*Ordered* that the Petitioners viz<sup>t</sup> David Parker, Ezra Coats, Jemima Coats, Charles Florence, Amos Stocker Lydia Jenks, Josiah Martin & Lydia Martin with their Families and Estates, together with those that shall hereafter dwell on the said Estates, be and hereby are annexed to the third Parish in Lynn, there to do duty and receive privilege. [*Passed January 26.*]

## CHAPTER 70.

VOTE APPOINTING A GUARDIAN FOR THE DUDLEY INDIANS.

THE TWO HOUSES according to agreement proceeded to the choice of a Guardian to the Dudley Indians in the room of M<sup>r</sup> Joshua Healey deceased, and upon examining the Votes it appeared that Cap<sup>t</sup> Nathaniel Healey was chosen unanimously. [*Passed January 28.*]

Legislative  
Records of the  
Council, xxx.,  
127. Mass.  
Archives,  
xxxiii., 602.

House Jour-  
nal, pp. 106, 108.  
Province  
Laws, xvi., 241,  
chap. 76, note;  
693, chap. 283.

## CHAPTER 71.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL  
COUNTY.

THE ACCOUNT of George Godfrey Esq<sup>r</sup> Treasurer of the County of Bristol being laid before the Court for allowance the following Order passed viz<sup>t</sup>

Legislative  
Records of the  
Council, xxx.,  
127.

Whereas it appears upon the examination of the accounts of the County Treasurer for the County of Bristol for the year 1773 that

House Jour-  
nal, pp. 15, 104,  
108.

all the monies granted and allowed by the Court of General Sessions of the peace for said County therein contained were for such purposes and appropriations as the Law empowered said Court to grant; therefore

*Resolved* that said accounts be allowed. [*Passed January 28.*]

## CHAPTER 72.

RESOLVE ACCEPTING REPORT OF THE COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE TREASURER OF £38,757. 10.

Legislative  
Records of the  
Council, xxx.,  
128. Mass.  
Archives, civ.,  
637.

House Jour-  
nal, pp. 96, 112.  
*Ante*, p. 740,  
chap. 65.

THE COMMITTEE appointed to repair to the Treasurers office and take an account of the Government securities which he has redeemed and see them burnt and consumed to ashes, have attended that service and received of the Treasurer Government securities payable in June 1771 amounting to four thousand five hundred pounds, the Interest paid thereon being one hundred fifty six pounds five shillings, amounts to four thousand six hundred fifty six pounds five shillings. Also Government securities payable in June 1772 amounting to twenty three thousand six hundred and ten pounds which with the Interest of ten hundred ninety three pounds, one shilling and nine pence, amounts to twenty four thousand seven hundred and three pounds, one shilling and nine pence. Also Government securities payable in June 1773 amounting to eight thousand, nine hundred sixty eight pounds, which with the Interest of four hundred twenty nine pounds, fourteen shillings and one penny, amounts to nine thousand three hundred ninety seven pounds, fourteen shillings and one penny; all which Securities, with the interest paid thereon, make thirty eight thousand, seven hundred and fifty seven pounds and ten pence, we have seen burnt and consumed to ashes.

JOHN ERVING *p* Order

Read & accepted.

*Resolved* That the Treasurer be accordingly dischargd of the said Sum of Thirty Eight Thousand seven hundred fifty seven pounds and ten pence. [*Passed January 31.*]

## CHAPTER 73.

RESOLVE AND ORDER ADJOURNING COURTS IN HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council, xxx.,  
129.

House Jour-  
nal, pp. 107, 108,  
111, 112. Prov-  
ince Laws, v.,  
45, chap. 18.

WHEREAS the attendance of all the members of the House of Representatives is necessary at the present Session of the Great & General Court or assembly, and several of them have business that requires their attendance at the Court of General Sessions of the peace and at the Inferior Court of Common pleas to be holden at Northampton within and for the County of Hampshire on the second Tuesday of February next, at which time the General assembly will probably be sitting: therefore

*Resolved* and



*Ordered* that the said Court of General Sessions of the peace and the said Inferior Court of Common pleas by Law to be holden at Northampton within and for the County of Hampshire on the second Tuesday of February next be adjourned to and shall and may be held on the second Tuesday of March next at the said Northampton. And that all Writs and proesses (excepting Writs of Execution) and Recognizances returnable or that may be returnable, and that all appeals made or that may be made either to the said Court of General Sessions of the peace or to the said Inferior Court of Common pleas, and that all matters, businesses causes and things that have day or that may have day or that may be lawfully moved, had or done at, in or by the said Courts, or either of them, on the said second Tuesday of February next shall have day and shall be returned to and may be entered, prosecuted, moved, had and done at, in and by the said Courts respectively on the said second Tuesday of March next at Northampton aforesaid; and that all Writs of Execution which may be returnable into the said Inferior Court on the said second Tuesday of February shall be returned into the Clerks office of the same Court on that day; and that where any such Writ or Writs of Execution shall be returned without any satisfaction, or satisfied only in part, the Clerk of the said Inferior Court may thereupon and he is hereby impowered *ex officio* to renew or make out an alias or plures<sup>1</sup> Execution for the whole or remainder as the case may be, returnable into the said Inferior Court on the third Tuesday of May next; and that such alias or plures<sup>1</sup> Executions so made out shall be of the same force as they would have been if the said Court had not been adjourned. And that a Copy of this Order, attested by the Secretary, shall be transmitted to the Sheriff of the said County of Hampshire; and that the said Sheriff shall take effectual care that this Order be published throughout the said County. [*Passed January 31.*]

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## CHAPTER 74.

### RESOLVE AND ORDER ADJOURNING COURTS IN BERKSHIRE COUNTY.

WHEREAS the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Berkshire by Law are to be holden at Pittsfield within said County on the last Tuesday of February instant, when the General Court or assembly of this Province will probably be sitting, and several of the members of said General Court are also members of and have business at the said Courts of General Sessions of the peace and Common pleas and the present critical day demands the attendance of all the members of the General Court: therefore

*Resolved* and

*Ordered* that the said Courts of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be holden at Pittsfield within and for the said County of Berkshire on the last Tuesday of February instant, be and hereby is adjourned to and shall and may be holden on the first Tuesday of March next at said Pittsfield. And that all Writs and processes (excepting Writs of Execution) and recognizances returnable or that may be returnable, and that all appeals made or that may be made either to the said

Legislative  
Records of the  
Council, xxx.,  
135.

House Jour-  
nal, pp. 108,  
116 *bis*. Prov-  
ince Laws, v.  
46, chap. 18.

Court of General Sessions of the peace or to the said Inferior Court of Common pleas, and, that all matters, businesses, causes or things that have day or that may have day, or that may be lawfully moved, had or done at, in and by the same Courts or either of them on the said last Tuesday of February instant, shall have day and shall be returned and may be entered, prosecuted, moved had and done at in and by the same Courts respectively on the said first Tuesday of March next at Pittsfield aforesaid. And that all Writs of Execution which may be returnable into the said Inferior Court on the said last Tuesday of February shall be returned into the office of the Clerk of the same Court on that day. And that where any such Writ or Writs of Execution shall be returned without any satisfaction or satisfied only in part, the Clerk of the said Inferior Court may thereupon and he is hereby impowered ex-officio to renew or make out an alias or plures Execution for the whole or remainder as the case may be, returnable into the said Inferior Court on the third Tuesday of May next. And that such alias or plures Executions so made out shall be of the same force as they would have been if the said Court had not been adjourned. And that a Copy of this Order attested by the Secretary shall be transmitted to the Sheriff of the said County of Berkshire, and that the said Sheriff shall take effectual care that this Order be published throughout the said County. [*Passed February 2.*]

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## CHAPTER 75.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £17. 14. 8 TO ROBERT BALLS.

Legislative  
Records of the  
Council, xxx.,  
137.

House Jour-  
nal, pp. 118, 119.

A PETITION of Robert Balls keeper of the Lighthouse in the harbour of Boston Setting forth, That his fortieth year of keeping the said Lighthouse expired on the 19 day of Novem<sup>r</sup> last, for which, last year, he hath not as yet received a compensation for his services. And praying an allowance for his said service, and also the reimbursement of the sum of £17.14.8 which he advanced for Wood for the benefit of the Light

[Read and]

*Resolved* that the prayer of said Petition be granted, and that the sum of Sixty pounds be allowed and paid out of the public Treasury to the Petitioner for one years service as Keeper of the Lighthouse in the harbour of Boston, due the thirteenth day of November last, also the further sum of Seventeen pounds, fourteen shillings and eight pence for the cost of twenty eight Cords of Wood he provided and expended for the benefit of the Lighthouse. [*Passed February 2.*]

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## CHAPTER 76.

RESOLVE DIRECTING THE PROVINCE TREASURER TO GIVE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES.

Legislative  
Records of the  
Council, xxx.,  
138. Mass.  
Archives, civ.,  
644.

In the House of Representatives

*Resolved* that no person who shall be Chosen by this Court into the Office of Treasurer & Receiver General for this province for the present Year, shall be Esteemed duly Qualified to Enter upon the

Execution of that Office untill he shall first have an oath duly administered to him for the faithfull performance of the Trust of his said Office and shall give bond with Sufficient surety to the Acceptance of a Committee to be appointed by this Court to Judge in their behalf both of the Sufficiency of the Security & of such bonds in the sum of Thirty Thousand pounds Lawful money, to the three Eldest Councillors of this province for the time being, who are hereby appointed a Committee in behalf of the province & Especially Authorized to take said bond to themselves to the use of the Province which bond shall be Conditioned for such Treasurers duly & faithfully discharging the duty of his Office according to Law and for his rendering an account when & so often as he shall be required by the General Court of all & any such sum or sums of money, Securities & other Estate of this Province as he shall from time to time Receive or be possess'd of to the use of the said province, & for his well & truly paying and delivering to his Successor in said Office, or to any other person that may be appointed by the General Court to receive the same all such sum or sums of money Securities or other Estate of the province as upon such Settlement of his Accounts or otherwise shall be found Due & payable from him to the province or for which he shall be found accountable, And it is further

*Ordered*, That in Case said bond shall not be put in suit within three years from the date thereof it shall be void and of no Effect. And that M<sup>r</sup> Speaker & M<sup>r</sup> Adams with such as the Hon<sup>ble</sup> Board shall Joyn be a Committee to Judge of the sufficiency of the bond to be taken as aforesaid and of such as may Offer to become Sureties for the Treasurer as aforesaid.

In Council Read & Concurred & James Pitts & Samuel Dexter Esq<sup>rs</sup> are joined. [*Passed February 3.*]

## CHAPTER 77.

### RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO PROPRIETORS OF PENNICOOK.

#### In the House of Representatives

Whereas it hath been represented to this Court by Timothy Walker Jun<sup>r</sup> in behalf of himself and Associates that in the year 1725 they purchased of this Province a Township of Land of Seven Miles square, which by the runing of the Line between this Government & New Hampshire in the year 1740 was cut off to that Government, by which means the Original Purchassers have been vexed with many expensive Lawsuits, and at last were obliged to purchase the same Land of Claimers under New Hampshire, Having enquired into the Matter, this Court find that the Facts set forth in said Petition are true; and that the Cost of defending their Title at the Court of Great Brittain have exceeded the Grants made to them by this Government to enable them to carry on the prosecution there,

Therefore

*Resolved* that there be granted to the Original Proprietors of the Township granted by this Province by the Name of Pennicook their Heirs or Assigns, who were Sufferers by said Township falling into New Hampshire a Township of Seven Miles Square to be laid out in regular Form on both sides of Amoscoggin River and easterly of and Adjoining to Fullers Town (so called) otherwise Sudbury Canada

House Journal, pp. 119, 120.  
*Ante*, p. 705.  
*Post*, chap. 79.

Legislative Records of the Council, xxx., 140. Mass. Archives, cxviii., 754.

Mass. Archives, cxviii., 751-756. Maps and Plans, Mis., xv., 2, 7. House Journal, pp. 108, 110, 122. Province Laws, x., 739, chap. 473; xii., 706, chap. 92; xv., 45, chap. 98; 95, chap. 223; xvi., 639, chap. 159. *Ante*, p. 208, chap. 204.

laid out to Josiah Richardson Esq<sup>r</sup> & others Provided the Grantees within Six years settle Thirty Families in said Township, and lay out one full Share to the first settled Minister, one full share for the Ministry and one full Share for the School and one full Share for Harvard Colledge, and provided the Petitioner within one year return a Plan thereof taken by a Surveyor & Chainmen under Oath into the Secretary's Office to be accepted and confirmed by the General Court, And in Order that Justice may be done to the Sufferers it is further

*Resolved*: That M<sup>r</sup> Webster and Col<sup>o</sup> Gerrish with such as the Honourabl Board shall join be a Committee to repair to the said Township of Pennicook, who shall there enquire into and make out a List of the Sufferers, and that they return a List for Confirmation to the General Assembly, and that said Committee give suitable notice of the Time of their Meeting by Publishing an advertisement in the Essex Gazette and in one of the Portsmouth News Papers three Weekes successively, Two Months before the Time of their Meeting, That any Person claiming Right to the Grant aforesaid may appear and lay in their Claim

In Council Read & Concurred & Samuel Phillips Esq<sup>r</sup> is joined in the Affair. [*Passed February 3.*]

## CHAPTER 78.

### RESOLVE IMPOWERING JOSEPH EVELETH, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
140.

House Jour-  
nal, pp. 37, 114,  
120, 121. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of Joseph Eveleth of Princeton in the County of Worcester Yeoman Setting forth, That Noah Norcross late of said Princeton deceased, died siezed and possessed of a Real Estate in said Town of about an hundred acres of Land with a House and Barn thereon and left three Children, very young; to whom the Petitioner is Guardian That the Income of the Farm will be insufficient to make the necessary repairs in the Fences and Buildings and to prevent becoming waste and to subdue that part of the Land which said Noah had begun to clear That the Interest of the money which the said Farm will sell for will probably support the said Children. And praying that he may be empowered to make sale of the said Real Estate Josiah Mirick and Ruth his Wife (late Widow of the said Noah) being desirous thereof.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and is hereby empowered to made sale of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good Deed or Deeds thereof, observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Worcester that the proceeds of sale shall be applied as followeth viz<sup>t</sup> that the said Ruth who was the Widow of the said Noah Norcross shall have the use and improvement of one third thereof in lieu of her dower in her said Husbands Real Estate during her natural life, and that the other two thirds be put to interest for the benefit of the Children of the said Noah to be paid to them as they respectively arrive at full age in the same proportion as they would have inherited in case the said Land had not been sold, as

also the other third, the use of which is reserved for the said Ruth at her decease if the said Children shall then have arrived at full age, if they are not, when they shall so arrive. [*Passed February 3.*]

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## CHAPTER 79.

### VOTE CHOOSING HARRISON GRAY, PROVINCE TREASURER.

PURSUANT TO THE AGREEMENT of the two Houses they proceeded to the choice of Civil officers for the present year, when Harrison Gray Esq<sup>r</sup> was chosen Treasurer and Receiver General for the Province by a major vote of the Council and House of Representatives. [*Passed February 3.*]

Legislative  
Records of the  
Council, xxx.,  
142.

House Jour-  
nal, p. 123.

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## CHAPTER 80.

### VOTE CHOOSING THOMAS CUSHING COMMISSARY GENERAL.

PURSUANT TO AGREEMENT of the two Houses they proceeded to the choice of Civil Officers for the present year when Thomas Cushing Esq<sup>r</sup> was chosen the Officer for purchasing provisions and other necessaries for carrying on the Truck Trade at Fort Pownall, by a major vote of the Council and House of Representatives. [*Passed February 3.*]

Legislative  
Records of the  
Council, xxx.,  
142. Mass.  
Archives,  
lxxx., 719.

House Jour-  
nal, p. 123.

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## CHAPTER 81.

### VOTE CHOOSING JAMES RUSSELL COMMISSIONER OF IMPOST.

PURSUANT TO AGREEMENT the two Houses proceeded to the choice of Civil Officers for the present year, when James Russell Esq<sup>r</sup> was chosen Commissioner of Impost by a major vote of the Council and House of Representatives. [*Passed February 3.*]

Legislative  
Records of the  
Council, xxx.,  
142. Mass.  
Archives,  
lxvi., 542.

House Jour-  
nal, p. 123.

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## CHAPTER 82.

### VOTE CHOOSING JEDIDIAH PREBBLE, JR., TRUCKMASTER FOR FORT POWNALL.

THE TWO HOUSES according to agreement proceeded to the choice of Civil officers for the present year, when M<sup>r</sup> Jedediah Preble jun<sup>r</sup> was chosen Truckmaster for Fort Pownall by a major vote of the Council and House of Representatives. [*Passed February 3.*]

Legislative  
Records of the  
Council, xxx.,  
142.

House Jour-  
nal, p. 123.

## CHAPTER 83.

## VOTE CHOOSING NOTARIES PUBLIC.

Legislative  
Records of the  
Council, xxx.,  
142. Mass.  
Archives, l.,  
xlv., 744.

House Jour-  
nal, p. 124.

THE TWO HOUSES according to agreement proceeded to the choice of Civil Officers for the present year, when the undermentioned persons were chosen public Notaries by a major vote of the Council and House of Representatives.

Suffolk	For the Port of Boston . . . . .	{ Mr Dudson Kilcup Mr Henry Alline junr
Essex	{ Salem . . . . .	{ John Nutting Esqr
	{ Ipswich . . . . .	{ Mr Samuel Sawyer
	{ Marblehead . . . . .	{ Mr Thomas King
	{ Newburyport . . . . .	{ William Atkins Esqr
Middlesex	Gloicester . . . . .	Daniel Witham Esqr
Plymouth	Charlestown . . . . .	Mr Nathaniel Gorham
Barnstable	Plymouth . . . . .	Mr Ephraim Spooner
	{ Barnstable . . . . .	{ Solomon Otis Esqr
	{ Falmouth . . . . .	{ Mr Joseph Parker
	{ Wellfleet . . . . .	{ Mr Winslow Lewis.
	Chatham . . . . .	Mr Joseph Doane.
Bristol . . . . .		{ Jerathmeel Bowers, Esqr
Dukes County	Edgartown . . . . .	{ Elisha Tobey Esqr
Nantucket . . . . .		{ Mr John Pease junr
York	{ York . . . . .	{ Mr Stephen Hussey
	{ Kittery . . . . .	{ Daniel Moulton Esqr
	{ Wells . . . . .	{ Charles Chauncey Esqr
Cumberland	Falmouth . . . . .	Mr Ebenezer Sayer.
Lincoln . . . . .		Mr Theophilus Parsons
		Mr Thomas Moulton

[*Passed February 3.*

## CHAPTER 84.

## RESOLVE ALLOWING £12 TO THE TOWN OF HARDWICK.

Legislative  
Records of the  
Council, xxx.,  
143. Mass.  
Archives, l.,  
502.

House Jour-  
nal, pp. 62, 72,  
118, 119, 124.  
Province  
Laws, v., 367,  
note.

WHEREAS the Town of Hardwick was fined by the House for not returning a Member to the General Court in the year 1771 the sum of Twelve pounds which fine was remitted to said Town in the last session of this Court, Nevertheless the said Town is Taxed for the same.

*Resolved* that there be allowed and paid out of the Publick Treasury into the Hands of Cap<sup>t</sup> Paul Mandel the sum of Twelve pounds for y<sup>e</sup> use of said Town of Hardwick. [*Passed February 4.*

## CHAPTER 85.

## RESOLVE ALLOWING £12 TO THE TOWN OF KINGSTON.

Legislative  
Records of the  
Council, xxx.,  
143. Mass.  
Archives, l.,  
501.

House Jour-  
nal, pp. 33, 80,  
118, 119, 125.

In the House of Representatives

Whereas the Town of Kingston was fined by this House for not returning a member to the General Court in the year 1772 the Sum of Twelve Pounds, which Fine was remitted to said Town in the last Session of this Court; Nevertheless the said Town is taxed for the same.



*Resolved* that there be allowd & paid out of the publick Treasury into the hands of Cap John Gray the sum of Twelve Pounds for the Use of said Town of Kingston

In Council

Read and Concurred. [*Passed February 4.*]

Province  
LAWS, v., 367,  
note.

## CHAPTER 86.

### ORDER ANNEXING A TRACT OF 3,000 ACRES OF LAND TO THE TOWN OF CHARLEMONT.

A PETITION of Asaph White agent for the Town of Charle-  
mont Setting forth That there are three thousand acres of Land,  
adjoining on the South side of said Town, granted to Hezekiah  
Ward and others for their loss of Land in Charlemont by the run-  
ning of Colrain line That the settlers on those Lands refuse to  
pay Taxes in said Town because they do not belong thereto. And  
praying that the aforementioned Grant of 3,000 acres of Land may  
be annexed to Charlemont.

Legislative  
Records of the  
Council, xxx.,  
60, 144.

House Jour-  
nal, pp. 70, 71,  
127. *Ante*,  
p. 233, chap. 17.

Read and it appearing that the settlers on the Land mentioned  
in this Petition have been notified agreeable to the Order of the two  
Houses on the 21<sup>st</sup> of June last and no answer being made,

*Ordered* that the prayer thereof be granted, and that the Tract  
of Land containing three thousand acres, bounded as by the plan  
thereof, confirmed by the General Court the 8 June 1767 to Heze-  
kiah Ward and others, will appear, be and hereby is annexed to the  
Town of Charlemont in the County of Hampshire, together with  
the Inhabitants who now dwell or that may hereafter dwell thereon,  
who shall be subjected to do duty and intitled to receive privilege  
as other Inhabitants of the said Town to all intents and purposes  
whatsoever. [*Passed February 4.*]

## CHAPTER 87.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF JOSIAH CHAUNCEY AND OTHERS IN REGARD TO ERECTING A NEW MEETING HOUSE AT AMHERST.

In Council

*ordered* that Artemas Ward Esq<sup>r</sup> with such as may be joined by the  
hon<sup>ble</sup> House, be a Committee, to repair to the District of Amherst,  
(at the Charge of said District) view the same hear the parties on  
the Spot, & make report, what they think proper for the Court to  
do thereon; and that the Inhabitants of the said District, in the  
mean time wholly surcease & forbear all proceedings, relative to  
the building any new Meeting House, or meeting Houses in said  
District

Legislative  
Records of the  
Council, xxx.,  
144. Mass.  
Archives, xiv.,  
694.

Legislative  
Records of the  
Council, xxx.,  
136. House  
Journal, pp. 56,  
66, 118, 127.  
*Ante*, p. 721,  
chap. 26.

In the House of Representatives

Read & Concurr'd & M<sup>r</sup> Pickering and Coll Bacon are joynd.  
[*Passed February 4.*]

## CHAPTER 88.

RESOLVE AND ORDER WITH NOTICE ON PETITION OF HENRY PRICE  
FOR OPENING A JUDGMENT BY DEFAULT.

Legislative  
Records of the  
Council, xxx.,  
145.

House Jour-  
nal, pp. 113, 123.

A PETITION of Henry Price<sup>1</sup> Setting forth, That on the first Tuesday of June 1773 one Gideon Gardiner on Kennebec River in the County of Lincoln by the consideration of the Inferior Court of Common pleas then held in and for that County recovered Judgment against the Petitioner for £16.4.3 debt and £2.15 costs of Court when there was not one farthing due to him; since which the Petitioner has paid to the Sheriff of the County of Middlesex, on the Execution upon that Judgment the sum of £21.5.9 for debt, cost and fees; in whose hands the said money now rests That the Petitioner did not answer the said Gideons Writ by reason of the non attendance of the person he had applied to as his attorney at the said Court. And praying that he may be allowed a Trial of said action; and, as the said Gideon is very poor, that the said money may be ordered to remain in the hands of the said Sheriff until the determination thereof.

[Read and]

*Resolved* and

*Ordered* that the prayer thereof be so far granted as that the Petitioner notify the adverse party Gideon Gardiner by serving him with a Copy of said Petition and this Order to appear and shew cause, if any he has, on the second Wednesday of the next Session of the General Court why the prayer thereof should not be granted and David Phips Esq<sup>r</sup> Sheriff of the County of Middlesex is hereby ordered to detain the money by him collected upon the Execution issued upon the Judgment aforesaid in his hands, from the said Gideon and Henry until the further Order of the General Court. [*Passed February 4.*]

## CHAPTER 89.

RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO PROPRIETORS OF  
SUNCOOK.

Legislative  
Records of the  
Council, xxx.,  
147. Mass.  
Archives,  
cxviii., s31.

Mass.  
Archives,  
cxviii., s24-s32.  
Maps and  
Plans, Mis.,  
xv., l. 3.  
House Jour-  
nal, pp. 75, 81,  
110, 132. Prov-  
ince Laws, xi.,  
335, chap. 160.  
*Ante*, p. 43,  
chap. 82.

In the House of Representatives

on the Petition of Noah Johnson & others Representing that the Government formerly Granted to the Heirs of Capt John Lovewell & to the Heirs of those men that fell with him in the Engagement at Pigwacket & to those that were with him in s<sup>d</sup> Engagement & others, a Tract of Land at Suncook, who held the Same & made Large Improvements thereon, But by the Running the Line between this Government & New Ha[n]pshire the s<sup>d</sup> Township fell within the Latter, and the Proprietors thereby have lost the Benefit of s<sup>d</sup> Grant, and praying that they may have a Grant of Land in Compensation for their Loss Therefore

*Resolved* that in Lieu of s<sup>d</sup> Township there be Granted a Township of Land of the Contents of Seven Miles Square on the Easterly Side of Saco River & Adjoyning to a Township Granted to Benjamin Mullikin Esq<sup>r</sup> & others To Such of the Original Grantees of

<sup>1</sup> The House Journal, p. 123, reads, "*Pierce.*"

s<sup>d</sup> Township as are Living to the Heirs of of<sup>1</sup> them that are Dead & to Such of the Settlers in s<sup>d</sup> Township as have been Sufferers by the s<sup>d</sup> Townships falling into New Hampshire who have not had their Loss made up to them Provided that the Grantees within Six years Settle thirty families thereon, Build a meeting House, and Settle a Learned Protestant Minister, and lay out one Sixty fourth part thereof for the first Settled Minister, one Sixty fourth part for the Ministry, one Sixty fourth part for the School, and one Sixty fourth part for Harvard Colledge & Return a Plan of s<sup>d</sup> Township into the Secretaries office within twelve months for Confirmation And that Justice may be Done among the Claimers for a Compensation for their Loss in s<sup>d</sup> Township

*Resolved* That Coll Gerrish and Mr Webster with Such as the Hon<sup>ble</sup> Board Shall Joyn be a Com<sup>tee</sup> at the Charge of the Grantees to Repair to the s<sup>d</sup> Suncook and hear the Claimers & Determin who Shall be Admitted Grantees in s<sup>d</sup> Township, make out a List of their Names with their respective Shares & Lodge the Same in the Secretaries office within Ten months for Confirmation of the General Court, and the s<sup>d</sup> Com<sup>tee</sup> Shall Give notice of the Time of their meeting by Advertising the Same in the Boston Gazette in the Essex Gazzet & New Hampshire Newspaper three weeks Successively two months before the Time of their meeting that all Persons may have opportunity to bring in their Claims

In Council Read & Concurred, and Samuel Phillips Esq<sup>r</sup> is joined.  
[*Passed February 5.*]

## CHAPTER 90.

RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO SAM<sup>L</sup> WHITEMORE AND OTHERS.

A PETITION of Samuel Whittemore and others in behalf of themselves and others, proprietors of a Township of the contents of six miles square granted to John Flint Esq<sup>r</sup> and others on the east side of Connecticut River, known by the name of N<sup>o</sup> three. Praying for the Grant of a Tract of Land in lieu of the Township aforesaid which fell into Newhampshire on runing the Line between that Province and this.

on the Petition of Sam<sup>l</sup> Whittemore & Amos Lawrence in behalf of themselves & others prop<sup>rs</sup> of a township Granted to Cap<sup>t</sup> John Flint & Company of the Contents of Six miles Square, praying for a Grant of land in Lieu of said township which fell within the Province of New Hampsheir upon the late runing of the Province line, and it appearing to this Court that the Petitioner[s] have Expended much Labour & money in Clearing roads & bringing forward the Settlement of Said township & have been thereby Grate Sufferers for which the Grantees have had no Consideration from this Province or the Province of New Hampsheir Therefore

*Resolved* that in Lieu thereof there be Granted to the oridgenal Prop<sup>rs</sup> & Grantees their legal representatives heirs or assigns a township of the Contents of Seven miles Square Provided the Grantees Settle thirty families in Said township within Six years & lay out one Sixty fourth part for the use of the ministry one Sixty fourth part for the first Settled minister one Sixty fourth part for the use

Legislative  
Records of the  
Council, xxx.,  
97. Mass.  
Archives,  
cxviii., 775.

Mass.  
Archives,  
cxviii., 774.  
Legislative  
Records of the  
Council, xxx.,  
150. House  
Journal, pp. 95,  
96, 97, 125, 136.  
Province  
Laws, xli., 292,  
chap. 70. *Ante*,  
p. 43, chap. 82.

<sup>1</sup> *Sic.*

of the Gramer School & one Sixty fourth part for the use of Harvard College Provided also that Said township be layd out in that part of the unappropriated lands belonging to this Province on the Eastward of Saco river adjoyning to Some former Grant (Except the tract of land Petition<sup>1</sup> for by Suncook prop<sup>rs</sup>[])<sup>2</sup> & return a plan taken by a Surveyor and Chainmen under oath into the Secretarys office within one year for Confermation. [*Passed February 8.*]

## CHAPTER 91.

### RESOLVE GRANTING TO MARY TAILER LICENSE TO SELL STRONG DRINK.

Legislative  
Records of the  
Council, xxx.,  
152.

House Jour-  
nal, p. 140.

A PETITION of Mary Tailer of Boston Widow Setting forth, That her husband William Tailer died, leaving her without any Estate and six Children, mostly very young, to maintain That since his death she has, by the advice of Friends, opened a Shop for the sale of Grocery articles, but this business turning to very poor account she has applied to the Selectmen and obtained their approbation for selling spirituous Liquors by retail and also a recommendation from a number of reputable Gentlemen, her neighbours; but that she applied to the Court of General Sessions for the County of Suffolk in October Term last for License for that purpose and was then refused because that was not the Term for granting Licenses. And praying that the said Court of Sessions, at their present Term, may be impower'd to grant her such License.

[Read and]

*Resolved* that the prayer of said Petition be so far granted that his Majesty's Justices of the Sessions for the County of Suffolk at their present Session, may and hereby are impowered to grant the Petitioner License to retail spirituous Liquors until the next Term for granting Licenses within said County does commence, she procuring to the said Court of Sessions the approbation of the Selectmen of the Town of Boston and she observing the Law as in such cases requires. [*Passed February 9.*]

## CHAPTER 92.

### RESOLVE IMPOWERING STEPHEN MAYNARD AND HEPZIBAH WARREN TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xxx.,  
153.

House Jour-  
nal, pp. 126, 141.

A PETITION of Stephen Maynard administrator of the Estate of Joseph Warren late of Brookfield Yeoman deceased Setting forth That the said Joseph a few days before his death purchased of one Thomas Hall of the District of New Braintree a Farm with a mansion house &c on the same, lying in said District, and engaged to pay three hundred pounds therefor to the said Thomas, but died before he had paid any part thereof. And, as he is unable to discharge the said debt without selling the same Farm, and the said Thomas is desirous of its being reconveyed to him, Praying that

<sup>1</sup> *Sic.*

<sup>2</sup> Inserted from Legislative Records of the Council, xxx., 151.

he, together with the Widow of the said deceased, may be impowered to make such reconveyance.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner with Hepzibah Warren Widow of Joseph Warren deceased be and they are impowered to reconvey and give and execute a good Deed of the Land mentioned in said Petition unto the said Thomas Hall, he discharging the administrators of the Estate of which the said Joseph Warren died siezed from all demands he hath against them for the Land aforesaid. [*Passed February 9.*]

## CHAPTER 93.

### RESOLVE REMITTING HALF A FINE TO WILLIAM ELDER.

ON THE PETITION of William Elder shewing that he was Chosen one one<sup>1</sup> of the assessors for the year 1771 for the town of Whindham in the County of Cumberland, and that there was an act made & Passed the Same year by the Grate & General Court of this Province Intituled an act for Inquiring Into the ratable Estate of this Province and among other things it was Enacted that the assessors of Each town Should Take a list of the poles & Estates & before they Entred upon Said bisness they should be first Sworn to the faithfull Discharge of their Trust under the penalty of forty Pounds fine one moiety for the Informer or he or them that should Sue for the same & the other moiety for the use of the Province, and it appearing to this Court that the Petitioner Did (Simply & not with a wicked Intent & Desire to Cheat or Defraud) assist in taking the list of Valnation for said Town before he was Sworn & thereby Incured the Penalty in Said act, and that one Caleb Grafham of Said Windham has Since brought his action against the Petitioner for the fine afores<sup>d</sup> & at the Superiour Court at Falmouth in the year 1773 recovered a Judgment against the Petitioner for the recovery of forty Pounds the Penalty afores<sup>d</sup> But the Petitioner has not yet paid the moiety or half part of Said fine belonging to the province Therefore

*Resolved* that the moiety or half part of said fine or forfeiture accruing to the Province thereby, be & hereby is remitted to the Said William Elder & that he be wholly Discharged thereform. [*Passed February 10.*]

## CHAPTER 94.

### RESOLVE IMPOWERING ESTHER FULLER, ADM<sup>x</sup>, TO EXECUTE A DEED.

A PETITION of Jonas Stone of Newton attorney for Esther Fuller administratrix of the Estate of her late husband Ephraim Fuller late of said Newton deceased Setting forth, That the said Ephraim Fuller promised by writing under his hand to give a deed of conveyance of his interest in a dwelling house and a small quantity of Land in Newton aforesaid to his Brother Nehemiah Fuller for what

Legislative  
Records of the  
Council, xxx.,  
154. Mass.  
Archives,  
cxviii., 750.

Mass.  
Archives,  
cxviii., 749.  
Legislative  
Records of the  
Council, xxix.,  
288, 441, 435, 500.  
House Jour-  
nal, pp. 17, 38,  
40, 42, 45, 135,  
143. Province  
Laws, v., 156,  
chap. 3. *Ante*,  
p. 714, chap. 13.

Legislative  
Records of the  
Council, xxx.,  
153.

House Jour-  
nal, pp. 116, 141,  
142. Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> Sic.



the same had been appraised at by persons of their appointing; (being the sum of 18.5.4) the said House and Land lying in common and undivided between them; but the said Ephraim died without having an opportunity to execute such a Deed. And praying that he may be authorized in his capacity of attorney as aforesaid to give a Deed of the interest of the said Ephraim in the premises (being two fifth parts thereof) to the said Nehemiah Fuller.

[Read and]

*Resolved* that the said administratrix be and hereby is impowered to make and execute a good and sufficient deed of conveyance of all the right and interest that the said Ephraim Fuller had at the time of his decease in the Real Estate mentioned in said Petition to Nehemiah Fuller named therein, upon the said Nehemiah's paying to the said administratrix or her lawful attorney the sum of eighteen pounds, five shillings and four pence. Provided the said administratrix or her said attorney account with the Judge of Probate for the County of Middlesex for the proceeds of said sale and that it be applied according to the directions of the Laws of this Province for settling Intestate Estates. [*Passed February 11.*]

## CHAPTER 95.

### RESOLVE WITH STAY OF EXECUTION CONFIRMING THE ASSESSMENTS FOR 1772 FOR THE TOWN OF WINDHAM.

Legislative  
Records of the  
Council, xxx.,  
156.

House Jour-  
nal, pp. 135, 144.  
*Ante*, p. 755,  
chap. 93.

ON THE PETITION of William Elder and others assessors of the Town of Windham praying that the assessment on said Town for the year 1772 may be confirmed and that they be enabled to tax the said Town for what they were assessed in the year 1771 again for reasons in said Petition mentioned and that the Province Treasurer may be directed to stay his Execution against the Collector for that year:

*Resolved* that the prayer of said Petition be so far granted as that the assessments in the year 1772 be and hereby are confirmed (the form of the Certificate relative to the Friends or Quakers in said Petition mentioned being deficient notwithstanding) provided the said assessors have in all other respects conformed to the rules of the Law. And that the Selectmen of said Town call a meeting of the Inhabitants thereof and lay this Order before such Inhabitants that the said Town or any individual thereof who has been taxed in the year 1771 may have opportunity to shew cause on the second Wednesday of the next Session of the General Court why the said Town should not be taxed again for the assessments of that year, and that in the mean time the Province Treasurer is hereby directed to stay his Execution against the Collector for that year. And that all other proceedings in Law respecting the Taxes on said Town for that year be staid until the end of the next Session of the General Court. And that the Petitioners be and they are hereby directed to lodge with the Clerk of said Town an attested Copy of their Petition and this Order as soon as may be that the purposes hereof may be effected. [*Passed February 11.*]



## CHAPTER 96.

RESOLVE WITH STAY OF EXECUTION IMPOWERING GEORGE DUDLEY  
TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of George Dudley of Stockbridge Praying as entered  
[*ante*, p. 689, chap. 142]

Read again & thereupon

*Resolved* that the prayer thereof be granted & the S<sup>d</sup> George is hereby allowed a rehearing of the Action therein mentioned and is hereby empowered to bring forward a Writ of review which Shall be Served on the Adverse party Elisha Martindale fourteen days at least before the Setting of the Superiour Court of Judicature & C. in & for the Countys of Hampshire & Berkshire to be holden at Northampton within & for s<sup>d</sup> Countys of Hampsh<sup>r</sup> & Berkshire on the fourth Tuesday of april next and the Justices of the same Court are hereby empowered & directed to hear & try the same Action at Said Term make up Judgement and award Excon thereon accordingly to all intents & purposes whatsoever as if the Same had been proceeded in & determined Agreeable to the Law of this province wherein provision is made for a Reveiw in Civil Causes & the Excon on the former Judgement is hereby Stayed in the Mean Time.  
[*Passed February 11.*]

Legislative  
Records of the  
Council, xxx.,  
157. Mass.  
Archives, lix.,  
587.

Mass.  
Archives, lix.,  
584-588. Legis-  
lative Records  
of the Council,  
xxx., 59.  
House Jour-  
nal, pp. 70, 71,  
140, 144. *Ante*,  
p. 689, chap.  
142.

## CHAPTER 97.

RESOLVE GRANTING 700 ACRES OF EQUIVALENT LAND TO JN<sup>o</sup> BORG-  
HARDT.

A PETITION of John Borghardt of Great Barrington Setting forth, That, as he could not find any Land of value but what is in the possession of some person, he has caused the Grant made him by this Court, of four hundred acres, the last Session to be laid out in two several pieces, upon Tauconnak mountain, which are in the possession of one Nathan Benjamin and another person, whose name is unknown. And praying that the Plan thereof, exhibited with the Petition, may be confirmed to him, or that he may have another Grant in lieu thereof with liberty to lay out the same in several pieces.

[Read and]

*Resolved* that there be granted to the Petitioner seven hundred acres of Province Land lying in the County of Berkshire (not in the possession of any person or persons who have petitioned the General Court for the Grant of the same) in full for his demands on the Province in consequence of his losing two hundred acres a former Grant from the Province by reason of his not returning the plan thereof seasonably for confirmation and all other demands on the Province on that account, and that the Petitioner have leave to take the Lands in divers pieces on condition that he take the whole of the Province Land contained in each piece, save so much as may be necessary to compleat the complement of seven hundred acres, which the Petitioner is allowed to take off of any of the Province Lands as aforesaid, or that the Petitioner have leave to take it in one intire piece if it can be so taken, and that the Petitioner return

Legislative  
Records of the  
Council, xxx.,  
159.

House Jour-  
nal, pp. 35, 39,  
40, 132, 135, 145.  
*Ante*, p. 713,  
chap. 10. *Post*,  
760, chap. 102.

a Survey or Surveys and plan or plans thereof into the Secretarys office for confirmation, taken by a Surveyor and Chainmen under Oath for the faithful performance of their trust within one year from the last day of the present Session of the General Court. [*Passed February 12.*]

## CHAPTER 98.

### ORDER SETTING OFF CERTAIN PERSONS WITH THEIR ESTATES FROM THE TOWN OF IPSWICH TO THE TOWN OF TOPSFIELD.

Legislative  
Records of the  
Council, xxix.,  
548. Mass.  
Archives,  
cxviii., 772.

Mass.  
Archives,  
cxviii., 770.  
Legislative  
Records of the  
Council, xxx.,  
29, 53, 165.  
House Jour-  
nal, pp. 42, 43,  
47, 65, 148, 149,  
160.

A PETITION of Joseph Cummings and others of Ipswich Setting forth That they live in a corner of the Parishes in said Town and are in general about five miles distant from the nearest meeting house in said Ipswich and are, with their Families, put to such great difficulties in attending the public worship of God there especially in the Winter season, that they are unable to wade through them, and so are under the necessity to attend public worship at Topsfield (which is but half the distance aforesaid) or tarry at home; besides which they are deprived of the benefit of the public School in Ipswich for the instruction of their Children, by means of their distance from it. That they have frequently applied to the Town of Ipswich for their consent to their being set off to Topsfield, but have never been able to obtain it. And praying that they with such part of their Lands as are included in a Plan to be produced, may be set off from Ipswich and annexed to Topsfield, there to do duty and receive privilege.

Read and

*Ordered*, that the prayer of the said Petition be granted, and that Joseph Cummings, John Lampson, Israel Clark, Joseph Cummings jun<sup>r</sup> John Lampson jun<sup>r</sup> and Thomas Cummings with such Lands as are included in a plan produced by the said Petitioners, be and hereby are set off from the Town of Ipswich, and annexed to the Town of Topsfield, there to do duty and receive privilege as other Inhabitants of said Topsfield, to all intents and purposes whatsoever that is to say, begining at an Ash tree by the River, from thence runing northeasterly by the Farm known by the name of Saltonstall's Farm, then Easterly by said Saltonstal's Farm to Land of Robert Wallis, from thence north three degrees West, according to the needle, fifty poles, then north thirteen degrees East forty four poles, then West forty four degrees north thirty five poles, then north twenty two degrees West seventy six poles, then East nine degrees north thirty four poles, then north nineteen degrees west one hundred and fifteen poles, then West nine degrees South fifty five poles, then north seven degrees East one hundred poles to the River, then northerly down the River to the mouth of gravelly Brook so called, then northerly to the Way called Andover Road and by said Road about forty two poles, then northwesterly by said Road about seventeen poles to Land of Jabez Ross, then Westerly partly by Land of said Ross and partly by Land of the Heirs of Tobijah Perkins to a heap of Stones, being a corner of Topsfield, then Southwesterly by said Topsfield to the Brook called Howletts Brook, then Southerly by said Brook and by the River, being Topsfield line, to the first mentioned bounds. And that the Petitioners pay their respective proportions of all such Taxes as are already

assessed, or, by virtue of any act of the Province, Grant of the Court of General Sessions of the peace for the County of Essex, of the Town of Ipswich, or Parishes within the same to which the Petitioners respectively belong, already made, remain to be assessed within the said Town. And that the proportion which the Petitioners now pay of the Province Tax set on the Town of Ipswich by the last Valuation, saving for such Lands of the Petitioners as are not included in the Plan aforesaid, be hereafter paid by the Town of Topsfield, until a new Valuation of the Estates of the Inhabitants of this Province shall take place. [*Passed February 16.*]

## CHAPTER 99.

### ORDER ERECTING CERTAIN PERSONS WITH THEIR ESTATES IN TEMPLETON AND ATHOL INTO A PRECINCT.

A PETITION of a number of the Inhabitants of the westerly part of the Town of Templeton and the Southeasterly part of the Town of Athol Praying that they may be erected into a Precinct, according to the limits therein mentioned, or that a Committee may be appointed to view their situation and report.

Legislative  
Records of the  
Council, xxx.,  
23, 168.

Legislative  
Records of the  
Council, xxx.,  
157. House  
Journal, pp. 32,  
37, 140, 144, 158,  
162.

[Read and]

*Ordered* that the Tract of Land hereafter described lying partly in Templeton and partly in Athol, together with the Inhabitants thereon dwelling, be and are hereby erected into a Precinct, and the said Inhabitants are hereby invested with all the powers and privileges by Law belonging to Inhabitants of other Precincts in this Province viz<sup>t</sup> begining at Hubbardston line where burnt shirt stream runs out of Templeton, thence runing up said stream to a maple tree being the Southerly corner of the second division lot number forty seven, thence runing north 30° West to new Brook so called, thence down the Brook to Royalston line, thence West to Athol line, being the northwest corner of Templeton, then on Athol line to Millers River, thence down said River to a Brook called thousand acre Meadow Brook thence Southwesterly by the Westwardly corner of the hundred acre lot number twenty two, thence strait to the most westerly corner of Templeton, thence by Templeton line to where it begun. And further

*Ordered* that Abner Sawyer, Abraham Sawyer, Joel Grout, Samnel Lamb, Joshua Whitcomb, John Brigham, Alexander Parkman Davis, Thomas Witt, Jonathan Wellington, Elias Sawyer, Calvin Reed, Ebenezer Knight, Isaac Ball jun<sup>r</sup>, Israel Sprague, Joseph Morse, Benjamin Presson, John Colman, Robert Young jun<sup>r</sup> and Zacheus Rich, with their Estates (together with the Farm of Cap<sup>t</sup> Aaron Jones of one hundred and twenty four acres adjoining to the Easterly line) altho' included within the Precinct hereby erected, be and hereby are exempted from doing duty there, but shall be subjected to do duty in the Precincts in which they were respectively included before the passing of this Order, unless they or either of them within nine months from the date hereof return their names into the Secretarys office signifying their desire to belong to the said Precinct, in which case they shall be considered as belonging to the said Precinct and shall do duty and receive privilege accordingly. [*Passed February 16.*]

## CHAPTER 100.

RESOLVE ALLOWING THE ACCOUNT OF THE REV<sup>d</sup> BENJ<sup>a</sup> STEVENS & OTHERS.

Legislative  
Records of the  
Council, xxx.,  
169. Mass.  
Archives, xiv.,  
713.

House Jour-  
nal, pp. 118, 128,  
163. *Ante*,  
p. 647, chap. 58.

THE ACCOUNT of Rev<sup>d</sup> Benjamin Steevens Isaac Lyman and Samuel Langdon a Committee appointed by the Gen<sup>l</sup> Court to Employ Missionaries for the Eastern parts of the Province being presented for Allowance it Appearing that the Said Account is Just and Reasonable and that they had Expended the Sum of Seventy pounds four Shillings and seven pence half penny part of the Sum of Eighty pounds Granted for that purpose

*Resolved* that the Same be allowed and that the Said Committee be further accountable for the Sum of Nine pounds fifteen shillings and four pence half penny yet Remaining in their hands. [*Passed February 16.*]

## CHAPTER 101.

## RESOLVE CONFIRMING A PLAN OF 895 ACRES OF LAND TO BERIAH TREE.

Legislative  
Records of the  
Council, xxx.,  
170. Mass.  
Archives,  
xli., 607.

House Jour-  
nal, pp. 143, 155,  
164, 165. *Ante*,  
p. 558, chap. 52;  
p. 676, chap.  
118.

*Resolved*, that the plan of eight Hundred and ninety five Acres of Land, Bounded as followeth (*viz*!) Begining at a Beach Tree at the South west Corner of Williams Town and from thence Runs west ten Degrees North, three Hundred and thirty Rods, thence North ten degrees east four Hundred and thirty four Rods, thence east ten degrees South, three Hundred & thirty Rods, to a White Birch Tree on the West line of Williams Town, thence South ten degrees west four Hundred and thirty four Rods, to the above mentioned South west Corner of Williams Town, be Accepted, and hereby is Confirmed unto Beriah Tree, his Heirs and Assigns forever. Provided the said Beriah Tree pay unto Stephen Davis, Moses Rich, Robert M<sup>c</sup>Masters, John M<sup>c</sup>Masters, and Moses Young, each one his Respective proportion, of what they have made said Tract of land better, by their Labour on the Premices, then it was in a state of Nature. To be Adjudged and Determined by Mis<sup>rs</sup> Andrew Squire, Elijah Powel, and Capt. Asa Duglass. [*Passed February 16.*]

## CHAPTER 102.

RESOLVE GRANTING LAND TO NATHAN BENJAMIN AND OTHERS AND APPOINTING A COM<sup>TEE</sup> THEREON.

Legislative  
Records of the  
Council, xxx.,  
171. Mass.  
Archives,  
cxliii., 98.

House Jour-  
nal, pp. 132, 135.  
*Ante*, p. 71,  
chap. 135;  
p. 757, chap. 97.

In the House of Representatives  
Upon the Petition of Nathan Benjamin praying for a grant of the Lands on Tauconnock Mountain to be made to him and others.

*Resolved*

That the Lands mentioned in said Petition and delineated in the Plan accompanying s<sup>d</sup> Petition be, and hereby is granted to the said Nathan, and others who originally purchased said Lands of the Indians or who are the Heirs, or assigns of said Purchasers. or who have been otherwise permitted to settle on s<sup>d</sup> Lands The said

Grantees paying therefor into the Province Treasury the Sum of Two Hundred, and forty Pounds lawful Money within two years after the final Complesion & Confirmation of said Grant; with the Interest of the same Sum from the fifteenth Day of May Anno Dom: 1766 untill the same shall be paid. (said Sum to be paid by the Grantees in Proportion to their Interests respectively.)

And to the End that it may be Rightly known who are the original Purchasers of said Land their Heirs, and assigns &c

*Resolved* that Mr Hopkins & Maj<sup>r</sup> Ingersol with such as the Honourable Board May join be a Committee to Repair to the Tract of Land aforesaid (at the Charge and Expence of the Grantees. (to make Enquiry and determine who are said original Purchasers their Heirs & assigns, and who ought to be admitted the Grantees of said Land which Committee are to give Publick, Suitable, and Seasonable Notice of the time & place of their meeting for the purpose aforesaid. and to make a Report of their Doings to the General Court for final approbation, and Confirmation on the Third Wednesday of the next Session of said General Court<sup>1</sup>

In Council Read & Concurrred & Tim<sup>o</sup> Woodbridge Esq<sup>r</sup> is joined.  
[*Passed February 16.*

## CHAPTER 103.

### RESOLVE IN REGARD TO SALE OF PROVINCE LAND BORDERING ON DEERFIELD RIVER.

In the House of Representatives

The House having before them a plan (taken by Samuel Taylor by Order of Court) of the Land to be sold this day at Public Vendue Taking the same into Consideration finde that the plan of the Several Peices differ from the Descreptions in the Advertisment for Sale

Therefore

*Resolved* that the Said Tract of Land Ordered by the General Court on the 26<sup>th</sup> Day of June last Ordered to be sold in three peices by their Committee on this Day; be sold in four Peices to be described and bounded in the following manner Viz: One Peice Bounded East on Charlemont and Grants North on Number Seven West On Bullocks Township so Called North On Locks & Pierces Grants and Deerfield River And to Extend as far North as a Line Extending Eastward from the North East Corner of Locks Grant the Same Course of his North Line Containing Nineteen Hundred & forty three Acres Marked on Said Plan N<sup>o</sup> 1

An Other Peice lying on the East Side of Deerfield River and bounded thereon on Bullocks Township so Called On Joneses Grant Called Murryfield on Fallams and Pierces Grant and on a Brook Called Pelham Mill Brook together with the Island or Islands Lying in Deerfield River Oposite to where the Said descrebed peices of Land Adjoyn on Said River which contains Twenty One Hundred & fourteen Acres

An Other peice descrebed in Said Plan Contains Six Huudrd & Thirty Seven Acres Bounded Southerly on Said Locks Grant Westerly on Bullocks Township Northerly On Deerfield River and Easterly On Pierces Grant

Legislative  
Records of the  
Council, xxx.,  
175. Mass.  
Archives,  
cxviii., 793.

House Jour.  
nal, pp. 157, 164,  
165, 166. *Ante*,  
p. 737, chap. 58.

<sup>1</sup> The final action on this chapter not found in the House Journal.



The other Piece Bounded Southerly on Deerfield River Westerly on Bullocks Township so Called to the North East Corner thereof and from thence to Extend North ten Degrees East Two Hundred & fourteen Rods thence East Ten Degrees South Three Hundred & Sixty Rods to the North East Corner of Land Sold to Cornelius Jones Called Murryfield and bounding East on Said Jones Grant to Deerfield River Containing Two Thousand Seven Hundred & Eighty four Acres.

In Council Read & Concurred. [*Passed February 16.*]

## CHAPTER 104.

### RESOLVE CONFIRMING A PLAN OF 10,000 ACRES OF LAND TO CORNELIUS JONES.

Legislative  
Records of the  
Council, xxx.,  
176.

House Jour-  
nal, pp. 156, 166.  
Province  
Laws, xvii.,  
244, chap. 50.

A PETITION of Cornelius Jones Setting forth, That on the second day of June 1762 he purchased of the Government, at public vendue, a certain Tract of Land called ten thousand acres, and that he has performed all the conditions enjoined him to do and perform by this Court. And praying that the said Tract of Land may be confirmed to him.

[Read and]

*Resolved* that the prayer thereof be granted, and that the Tract of Land therein referred to, bounding north on the present line of Jurisdiction between this Province and the Colony of New York, East on Land belonging to Green and Walker and Bulfinch, South partly on Charlemont, to extend West to make ten thousand acres, be and hereby is granted and confirmed unto the said Cornelius Jones his Heirs and assigns forever. [*Passed February 17.*]

## CHAPTER 105.

### RESOLVE REMITTING TO THE TOWN OF EASTHAM AND DISTRICT OF WELLFLEET TEN POUNDS FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxx.,  
177. Mass.  
Archives, i.,  
505.

House Jour-  
nal, p. 169.  
Province  
Laws, v., 312,  
chap. 14; 367,  
notes.

*Resolved* that their be paid out of the Publick Treasury to Barnabas Freeman, Representative for the Town of Eastham and District of Wellfleet the Sum of five Pound Eleven Shillings & Eight Pence for the Vse of S<sup>d</sup> Eastham and also the Sum of Four Pounds Eight Shillings and four Pence for the Vse of S<sup>d</sup> Wellfleet, being in the whole the Sum of Ten Pound which Sum S<sup>d</sup> Town and District was fined and assesed in the last Tax Act for not Sending any Person to Represent them in the Great and General Court in the year 1770. [*Passed February 17.*]



## CHAPTER 106.

RESOLVE IMPOWERING JOHN PRESTON, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Preston Guardian to Bebe and Remember Preston, minors, two of the Children of Remember Preston late of Dorchester deceased intestate Setting forth That the said intestate died siezed of a Farm lying at a place called Squantum Neck in said Dorchester containing about fifty acres with a dwelling house and other Buildings thereon; two sixth parts whereof the said minors are intitled to That, the said dwelling house and other buildings being old and decayed, the other persons interested in the premises have agreed to sell their parts thereof. And, as he apprehends it will be for the advantage of the said minors to sell their parts in the said Real Estate, praying that he may be impowered to make sale of the same.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be impowered to sell the said minors part of the Real Estate mentioned in the Petition for the most the same will fetch, and make and execute a good deed thereof in Law, he observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probates for the County of Suffolk that the proceeds of sale be put to interest for the benefit of said minors and that the principal and interest be divided between said minors when they arrive at full age agreeable to Law. [*Passed February 18.*]

Legislative  
Records of the  
Council, xxx.,  
179.

House Jour-  
nal, pp. 104, 171.

## CHAPTER 107.

RESOLVE CONFIRMING A PLAN OF 239 ACRES AND 36 RODS OF LAND TO JONATHAN PETITE, AND A FURTHER RESOLVE GRANTING 139 ACRES AND 26 RODS OF LAND TO BENJAMIN GRIGGS.

A PETITION of Jonathan Petit and others, praying for the Grant of unappropriated Lands particularly delineated and described in the Survey Bills and Plan accompanying their Petition

[Read and]

*Resolved* that there be and there hereby is granted and confirmed unto Jonathan Pettit his Heirs and assigns forever the Tract of Land herein delineated and described containing two hundred and thirty nine acres and thirty six rods, provided he give sufficient security to the Province Treasurer for the payment of the sum of eleven pounds, nineteen shillings lawful money within one year from and after the date hereof with lawful interest therefor till paid. Also further

*Resolved* that one other Tract of Land herein described and delineated containing one hundred and thirty nine acres and twenty six rods be and hereby is granted unto Benjamin Griggs his Heirs and assigns forever, provided he give sufficient security to the Province Treasurer for the payment of Six pounds, nineteen shillings and six pence lawful money with Interest therefor till paid, to be paid within one year from and after the date hereof. [*Passed February 18.*]

Legislative  
Records of the  
Council, xxx.,  
180.

Legislative  
Records of the  
Council, xxix.,  
323, 327, House  
Journal, pp. 26,  
29, 32, 64, 74, 155,  
173.

## CHAPTER 108.

## RESOLVE CONFIRMING A GRANT OF EQUIVALENT LAND TO CALEB HOLDEN AND OTHERS.

Legislative  
Records of the  
Council, xxx.,  
182.

Maps and  
Plans, Mis.,  
xiv., 20; xxiv.,  
7, 8. House  
Journal, pp. 39,  
83, 84, 172.  
*Ante*, p. 736,  
chap. 56.

*Resolved* that two of the Plans herennto annexed, one plan containing one hundred and twenty one acres and one hundred & forty four rods, bounded as followeth viz' begining at the northwest corner of Ross and Hezekiah Wymans Grant runing West three degrees South one hundred and sixty eight rods to a stake and stones, thence South seventeen degrees West one hundred and eight rods to a stake and stones, thence East three degrees north two hundred rods to a stake and stones, thence north three degrees West one hundred and six rods to a stake and stones the first mentioned bounds. Another plan containing forty acres and forty rods, begining at the north end of the plat on Charlemont east line at the River, thence running South on Charlemont east line two hundred and eighty rods to the River, thence up the River sixteen rods, thence north seventeen degrees east sixty six rods on the west line of a Grant to Lieu' Timothy Child, thence bounded on the River to the first mentioned bounds, be accepted and hereby is confirmed to Caleb Holden, Amos Holden, Isaiah Holden, Nehemiah Holden, David Holden, Sarah Hartwell, Rachel Gould and Hannah Blood their Heirs and assigns forever to satisfy part of a Grant made to them in June last of four hundred acres of Land in lien of and in full satisfaction for the Lands which John Holden Father of the abovementioned Grantees lost in a Township called Tyngs Town, by runing the line between this Province and the Province of Newhampshire; provided said plans do not exceed the quantities therein mentioned or interfere with any former Grant. And that the other plan annexed containing two hundred and thirty seven acres and one hundred and thirty six rods lye on file until the further Order of this Court. [*Passed February 19.*]

## CHAPTER 109.

## ORDER IMPOWERING THE PROPRIETORS ON HOUSATONIC RIVER TO CALL A TOWN MEETING AND PROCURE PLANS OF LAND.

Legislative  
Records of the  
Council, xxix.,  
260; xxx., 185.

Legislative  
Records of the  
Council, xxix.,  
387, 407; xxx.,  
11, 12, 58, 173.  
House Journal, pp. 15, 16,  
56, 57, 68, 180.  
Province  
Laws, x., 189,  
chap. 82; xi.,  
12, chap. 17;  
xii., 385, chap.  
57; xiii., 67,  
chap. 126; 348,  
chap. 281.

A PETITION of Isaac Vandusen and others Proprietors of the upper Housatnock propriety, so called, Setting forth That in the year 1722 the General Court granted to them a tract of Land called the upper Housatnock Propriety and appointed a Committee to purchase the said Lands of the natives and to transact all other matters necessary to the forming of said propriety, but, altho' repeated search has been made, no return of the said Committee to the General Court, of their proceedings, can be found That the Warrant for calling the first meeting of the said proprietors was not Recorded, nor can the original Warrant now be found That the Petitioners are apprehensive many difficulties and inconveniences may hereafter arise by means of the aforementioned defects, without the interposition of this Court. And praying that the Records and doings of the said Proprietors may be established the defects aforesaid notwithstanding.

The Committee appointed the 16 instant to take into consideration the report of Artemas Ward Esq<sup>r</sup> and others a Committee appointed in June last to repair to the upper Township on Housatonnock River, view the proceedings of the propriety of the said Township, their Records &c having considered the same, made Report; whereupon the following Order passed viz<sup>t</sup>

*Ordered* that the proprietors and purchasers of the upper Township on Housatonnock River, so called, be impowered to meet and assemble together upon a Warrant being issued for that purpose by any Justice of the peace for the County of Berkshire, and at such meeting to choose proper officers for regulating said Propriety, and at such meeting or any future one, to appoint meet persons to procure a Plan of the several Tracts of Land laid out by General Courts Committee, and also of the Lands laid out by Proprietors Committee as near as possible to their Surveys and Records, and also a plan of the East and West divisions, and the divisions of the Hoplands agreeable to their former Survey, also a plan of the equalizing Lands, so called, exactly agreeable to a late Survey taken by William Day which Plans thus taken be laid before the said proprietors and purchasers at a meeting for their acceptance and a return thereof be made to the General Court at their next Sessions, and at said meeting the Votes be collected according to interest agreeable to the Law of this Province for regulating the meetings of proprietors of common and undivided Lands. And that the consideration of the other matters contained in the said report be referred to the next Session of the General Court. [*Passed February 22.*]

## CHAPTER 110.

### RESOLVE CONFIRMING 160 ACRES OF LAND TO JOASH RICE.

A PETITION of Joash Rice Setting forth, That he has for fifteen years past been possessed of a Tract of Province Land lying West of Sheffield in the County of Berkshire and has during that time cheerfully paid Taxes for the same That he has been in the service of the Province during the last War and is now advanced in years and under poor circumstances. And praying for a Grant of the said Tract of Land.

[Read and]

*Resolved* that there be and hereby is granted and confirmed unto Joash Rice his Heirs and assigns forever the Tract of Land in this plan delineated and described, containing one hundred and sixty acres, provided the said Joash pay or give sufficient security to the Province Treasurer for the payment of the sum of ten pounds lawful money within one year from and after the date hereof with lawful Interest until paid. [*Passed February 22.*]

Legislative  
Records of the  
Council, xxx.,  
187.

House Jour-  
nal, pp. 26, 155,  
179, 180.

## CHAPTER 111.

## RESOLVE GRANTING 300 ACRES OF LAND TO JONATHAN GREENLEAF.

Legislative  
Records of the  
Council, xxx.,  
191.

House Jour-  
nal, pp. 128, 140,  
185. *Ante*,  
p. 700, chap.  
161.

WHEREAS the General Court did on the fifth day of March 1773 grant to Ebenezer Hartshorn three hundred acres of unappropriated Land belonging to this Province to the eastward of Saco River adjoining to some former Grant in full of all considerations both in his own and his Fathers right not to interfere with any former Grant, provided he return a plan thereof to this Court within one year for confirmation to be taken by a Surveyor and Chainmen under Oath. And whereas the said Ebenezer hath prayed this Court that said Grant might be transferred to Jonathan Greenleaf of Newburyport for reasons mentioned.

*Resolved* that the prayer of said Petition be so far granted as that the said Jonathan Greenleaf be and he accordingly is hereby impowered to lay out the said three hundred acres to himself subject to such restrictions as are contained in the Grant to said Ebenezer Hartshorn and the said Jonathan is allowed a further term of ten months to return such a plan for confirmation. [*Passed February 23.*]

## CHAPTER 112.

## RESOLVE ALLOWING £22.4 TO THE COMMITTEE WHO WENT TO HOUSATONNOCK.

Legislative  
Records of the  
Council, xxx.,  
193.

House Jour-  
nal, pp. 161, 187.  
*Ante*, p. 764,  
chap. 169.

*Resolved* that there be paid out of the public Treasury the sum of twenty two pounds four shillings to Artemas Ward, John Whitcomb and Timothy Dwight Esq<sup>rs</sup> who were a Committee appointed by the General Court to repair to the Lands at upper Housatonnock in June last upon the Petition of David Ingersol Esq<sup>r</sup> and John Williams and others, which sum is in full of said Committees expences and disbursements, and that the same be laid upon the Town of Great Barrington in the next Tax act. [*Passed February 24.*]

## CHAPTER 113.

## RESOLVE ALLOWING £40 TO THE COMMITTEE ON THE CHAPPAQUIDICK INDIANS.

Legislative  
Records of the  
Council, xxx.,  
194. Mass.  
Archives,  
xxxiii., 611.

Legislative  
Records of the  
Council, xxx.,  
95, 184, 192.  
House Jour-  
nal, pp. 96, 102,  
157, 174, 177, 185.  
Province  
Laws, v., 382,  
notes.

*Resolved* that there be Granted and allowed to Be paid out of the Publick Treasury To walter Spooner & Edward Bacon Esq<sup>rs</sup> and m<sup>r</sup> Isaac Lothrop the Sum of fourty Pounds for the Vse of the Indians Propriators of & Inhabitans on the Island of Chappaquidick: to be applied for the Sole purposes of Paying Sundry Charges that Said Indians have Been at for Simon Porridges Expences as agent for them the Said Indians at the Court of Greate Britain & the farther Expence of Said Indians for attending the Gen<sup>l</sup> Court the present Sessions The Committee to be Accountable to this Court. [*Passed February 24.*]

## CHAPTER 114.

RESOLVE IMPOWERING THE COMMITTEE ON SALE OF PROVINCE  
LANDS TO EXECUTE A DEED TO WILLIAM DENNIE.

*Resolved* that the Committee appointed by the General Court on the 26<sup>th</sup> day of June last to make sale of all that tract of unappropriated Land lying together on both sides of Deerfield River West of Charlemont and Merrifield and east of Bullocks Township so called, be empowered and directed immediately to make and execute a good Deed or Deeds of the premises unto William Dennie, he being the highest bidder, upon his paying into the hands of said Committee for the use of this Province the purchase money said Lands was sold and struck off to him for, saving a deduction of seven eighths of the Interest of the said purchase money for the space of one year from the day of the sale. [*Passed February 24.*]

Legislative  
Records of the  
Council, xxx.,  
194.

House Jour-  
nal, p. 186.  
*Ante*, p. 737,  
chap. 58; p. 761,  
chap. 103.

## CHAPTER 115.

RESOLVE CONFIRMING A GRANT OF 175 ACRES OF LAND TO HENRY  
SPRING.

A PETITION of Henry Spring of Sandisfield in the County of Berkshire Setting forth, That he served the Province in the last War; in which service he had the honor of a Commission and willingly risked his life and greatly impaired his Estate for the public interest That there is a tract of Land belonging to the Province in the Green Woods, containing one hundred and seventy five acres which is so poor and broken that no person has chose to include it in their Grants, but which however might afford some means of subsisting him in his present needy circumstances. And praying that the said Tract of Land may be granted to him.

Legislative  
Records of the  
Council, xxx.,  
194.

Mass.  
Archives, xlv.,  
606. House  
Journal,  
pp. 126, 169, 187.

“The abovementioned 175 acres of Land is bounded as follows viz<sup>t</sup> begining at a hemlock stump and stones laid round it the northwest corner of Granville then runing East 18° South in the north line of said Granville 24 rods to the Southwest corner of a Grant of Land called William Tailers Grant, then runing north 20° East 260 rods in the west line of said Grant to the northwest corner thereof then runing north 9° East in the west line of a Grant of Land called Rands Grant 46 rods to the South line of a tract of Land called Trumble’s Grant, then runing West in said South line 53 rods to a heap of Stones on a Rock the Southwest corner of said Trumbles Grant, then runing north in the west line of said Trumbles Grant 160 rods to a heap of Stones the northwest corner of said Trumbles Grant, then runing east in the north line of said Trumble’s grant 72 rods to the west line of the abovesaid Rands Grant, then runing north 9° East in the west line of the said Rands Grant 44 rods to the South line of a Tract of Land called Tyringham equivalent, then runing West 9° n in the South line of said equivalent Lands 147 rods to Farmington River then runing Southwardly bounding Westerly on said River to the first bounds.”

[Read and]

*Resolved* that the Land mentioned in his Petition containing one hundred and seventy five acres as Surveyed and planned by Jacob



Brown Surveyor, lying on the easterly side of Farmington River, be granted and confirmed to the said Henry Spring his Heirs and assigns; provided that no former Grantee shall take up the same within four months from this time; provided also that the same do not interfere with any former Grant: and that he the said Henry Spring shall give sufficient security to the Province Treasurer for the sum of ten pounds for the use of this Province to be paid in one year from this time with lawful interest. [*Passed February 24.*]

## CHAPTER 116.

### ORDER IMPOWERING JON<sup>A</sup> SIMPSON, GUARDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xxx.,  
195.

House Jour-  
nal, pp. 184, 186,  
187.

A PETITION of Jonathan Simpson of Boston Guardian to Margaret Simpson and William Simpson minors and Children of John Simpson late of said Boston merchant deceased Setting forth, That the said minors are siezed in fee of an eighteenth part of a small piece of Land in Boston, bounded Southerly on Water Street, West-erly on pudding Lane That the said Land lyes in common with divers persons who have agreed to sell their parts therein. And, as it cannot be of any advantage to the minors to defer the sale of their proportion therein, Praying that he may be impowered to sell the said minors eighteenth part of the premises.

[Read and]

*Ordered* that the prayer thereof be granted, and that the Petitioner be and he hereby is fully authorized and impowered in his capacity therein mentioned to sell the eighteenth part of the Land aforesaid belonging to said minors, and that he give and execute a legal Deed for conveying the same, and that he account with the Judge of Probate for the County of Suffolk for the proceeds of such sale. [*Passed February 24.*]

## CHAPTER 117.

### RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIANS OF THE MAT-TAKESSET INDIANS.

Legislative  
Records of the  
Council, xxx.,  
197. Mass.  
Archives,  
xxxiii., 605.

THE GUARDIANS of the Mattakeset Indians having laid their account before the Court for allowance, the following Order passed thereon viz<sup>t</sup>

In the House of Representatives

Mass.  
Archives,  
xxxiii., 606-610.  
House Jour-  
nal, pp. 111, 188.  
Province  
Laws, xlv., 718,  
chap. 221.

*Resolved* that as it appears to this House that said Accounts are right cast & well vouched the same be allowed and that the Ballance being thirty Seven Pounds three shillings & eight Pence one far-thing now In the Hands of said Guardians the said Guardians Be further accountable for.

In Council Read & Concurred. [*Passed February 24.*]



## CHAPTER 118.

RESOLVE ALLOWING £60 AND A FURTHER SUM OF £18. 16 TO JN<sup>o</sup> THOMAS, ESQ<sup>r</sup>.

A PETITION of John Thomas Esq<sup>r</sup> Praying an allowance for his last years service as keeper of the Lighthouse on the Gurnet at the entrance of Plimouth harbour, ending the 14 day of Novem<sup>r</sup> last, and also for the reimbursement of the sum of £18.16/ which he expended for Wood and Charcoal consumed at s<sup>d</sup> Lighthouse.

[Read and]

*Resolved* that the sum of Sixty pounds be allowed and paid out of the Province Treasury to the Petitioner for his service as keeper of the Lighthouse on the Gurnet for one year ending the fourteenth of Novem<sup>r</sup> last and the further sum of eighteen pounds, sixteen shillings for twenty Cords of Wood and for Charcoal expended at said Lighthouse. [*Passed February 24.*]

Legislative  
Records of the  
Council, xxx.,  
197.

House Jour-  
nal, pp. 126, 189.

## CHAPTER 119.

RESOLVE ALLOWING THE ACCOUNT OF THE GUARDIANS OF THE DUDLEY INDIANS.

[THE COMMITTEE]<sup>1</sup> on the Accounts of the Gaurdians of the Dudly Indians [having reported, it was]

*Resolved*

that whearas it appears that said Accounts are Right Cast and well vouched and and<sup>2</sup> that the said Gaurdians at their last Settlement in April 1772 were in advance the sum of seven Pounds fourteen shillings & six pence two farthings and since have paid for said Indians Benefit for Provisions Cloathing & Doctoring sixteen pounds thirteen shillings & three pence & that they have Recived two years Income at nine pounds p<sup>r</sup> year and that said Gaurdians are in Advance six pounds seven shillings & three pence two farthings. [*Passed February 24.*]

Legislative  
Records of the  
Council, xxx.,  
198. Mass.  
Archives,  
xxxiii., 604.

Mass.  
Archives,  
xxxiii., 603.  
House Jour-  
nal, pp. 179, 183.  
Province  
Laws, xvi., 241,  
chap. 76; 693,  
chap. 283.  
*Ante*, p. 743,  
chap. 70.

## CHAPTER 120.

RESOLVE REMITTING TO THE TOWN OF HOLDEN £8 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of John Child and others a Committee of the Town of Holden Setting forth, That a fine was laid on the said Town, the last Session of this Court, for not sending a Representative. And, as the said Town consists of a great number of poor poople, has many Roads and Bridges to support and are about settling a minister, Praying that the said Fine may be remitted.

[Read and]

*Resolved* that the Province Treasurer be and hereby is directed to pay to M<sup>r</sup> Phineas Heywood for the use of the Town of Holden aforesaid the said sum of eight pounds.<sup>3</sup> [*Passed February 24.*]

Legislative  
Records of the  
Council, xxx.,  
198.

Executive  
Records of the  
Council, xvi.,  
767. House  
Journal, pp. 18,  
121. Province  
Laws, v., 367-8,  
note.

<sup>1</sup> Inserted from the House Journal, p. 193.

<sup>2</sup> *Sic.*

<sup>3</sup> The final action on this petition not found in the House Journal.

## CHAPTER 121.

## RESOLVE GRANTING AN EQUIVALENT TOWNSHIP TO JOHN GARDNER AND OTHERS.

Legislative  
Records of the  
Council, xxx.,  
199. Mass.  
Archives,  
cxviii., 758.

Mass.  
Archives,  
cxviii., 757.  
Maps and  
Plans, Mis.,  
xv., 6. House  
Journal,  
pp. 160, 189, 190.  
Province  
Laws, xii., 306,  
chap. 104.  
*Ante*, p. 43,  
chap. 82.

In the House of Representatives

On the Petition of John Gardner & others in Behalf of themselves & others Proprietors of a Township of of <sup>1</sup> the Contents of six miles square granted to John Whitman Esq<sup>r</sup> and others called Number Six in the Line of Towns between Merrimack & Connecticut-Rivers Whereas it appears that the Proprietors of said Township Expended much Labour & Money in making Roads & other-ways bringing forward the Settlement of said Township and that the whole of the said Township fell within the Limits of New-Hampshire on the runing the Line between this Government & the said Government of New-Hampshire for which the Grantees have received no Consideration from this Province or the said Province of New-Hampshire Therefore

*Resolved* that in Lien therof there be granted To the Proprietors & legal Representatives or Assigns of the Original Grantees who were Sufferers by losing their Lands A Township of seven miles square in the unappropriated Lands belonging to this Province provided the Grantees Settle thirty Families on said Township within Six years And lay out one Sixty fourth Part for the Use of the ministry one Sixty fourth Part for the first Settled minister & one Sixty fourth Part for the grammar School And one Sixty fourth Part for the use of Harvard Colledge provided also that said Township be laid out adjoining to some former Grant in that Part of the unappropriated Lands belonging to this Province lying Eastward of Saco River and Coll Whitecomb & Cap<sup>t</sup> Gardner of Cambrige with such as the Hon<sup>bl</sup> Board may Join be A Comittee to determine who are to be admitted as Proprietors in said Township & if any of the Grantees of said Township Number Six shall appear To have been hertofore compensated that said Committee shall admit other Suffer[er]s in their Stead the Expence of the Said Committee to be paid by the Grantees provided also that the said Proprietors Return a Plan taken by a Surveyor and Chainmen under Oath into the Secretarys office within one year for Confirmation

In Council Read & Concurred & Artemas Ward Esq<sup>r</sup> is joined.  
[*Passed February 24.*]

## CHAPTER 122.

## RESOLVE CONFIRMING A GRANT OF 600 ACRES OF EQUIVALENT LAND TO JOSIAH WOLCOT AND OTHERS.

Legislative  
Records of the  
Council, xxx.,  
200.

Maps and  
Plans, Mis.,  
xiv., 9. House  
Journal,  
pp. 188, 193, 194.

A PLAN of six hundred acres of Land lying in the easterly part of the County of Berkshire laid out to satisfy a Grant made by the General Court the 22<sup>d</sup> day of February 1765 to Josiah Wolcot and Edward Hutchinson and the other legal Representatives of Thomas Clark Esq<sup>r</sup>, was presented for allowance; bounded as follows viz<sup>t</sup> beginning at a large hemlock tree the northwesterly corner of Tying-

<sup>1</sup> *Sic.*

ham equivalent Lands and from thence runing West 18 d<sup>s</sup> north 240 rods to a heap of Stones, and then turning and runing South 18 d<sup>s</sup> West 400 rods to a Beach tree marked and stones laid round it and from thence runing East 18 d<sup>s</sup> South 240 rods to a Beach tree standing on the West line of said equivalent Lands and stones laid round it, and then turning and runing north about 18 d<sup>s</sup> East 400 rods to the first mentioned corner, bounding East on said Equivalent Lands.

[Read and]

*Resolved* that the Plan to which this Resolve is annexed, of six hundred acres of Land as it is delineated and described, be accepted and hereby is confirmed unto Josiah Wolcot and Edward Hutchinson and the other legal Representatives of Thomas Clark Esq<sup>r</sup> their Heirs and assigns forever in lieu of and in full satisfaction for the loss of their predecessors Lands by the settlement of the line with Connecticut as mentioned in said Grantees Petition of January 1765, provided the same doth not exceed the quantity of six hundred acres nor interfere with any former Grant. [*Passed February 24.*]

Province  
Laws, xvii.,  
621, chap. 257.

## CHAPTER 123.

### RESOLVE IMPOWERING DANIEL FISK TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mercy Drury of Spencer Widow of William Drury late of said Spencer deceased Setting forth, That the said deceased left three daughters, one by a former Wife and the other two by the Petitioner; and that since his death one third part of his Real Estate, consisting of fifty acres of Land with an old House and Barn, was set off to her, and one third of the remainder to the eldest daughter of the deceased That the Fences on the said place are made of Wood and greatly out of repair and that there is no Timber for fencing and very little Fire Wood thereon. And praying that she, or some other person, may be impowered to make sale of that part of the said Farm and Buildings which was set off to her and her Children; the proceeds whereof to be applied, three sevenths for the use of the Petitioner during life, and at her death to be divided among the three daughters of the said William, and the remainder for the use of the Petitioners two daughters.

[Read and]

*Resolved* that the prayer of the Petition be granted and that Mr Daniel Fisk be and hereby is fully impowered to make sale of the Estate mentioned in the Petition for the most the same will fetch, and make and execute a good deed or deeds thereof to the person or persons purchasing the same he observing the rules of the Law for the sale of Real Estates by Executors & admin<sup>rs</sup> and give sufficient caution to the Judge of Probate for the County of Worcester that the proceeds of such sale be applied as followeth viz<sup>t</sup> the improvement of three sevenths thereof to the Widow of the said William Drury deceased, the Petitioner, during her natural life (being three ninths of the whole Real Estate of which her said husband died siezed, one of the daughters of the said William having had set off unto her her full share of what of said Estate pertains to her during the life of the said Widow) the other four sevenths for the use of the two younger Children of the said William deceased, and

Legislative  
Records of the  
Council, xxx.,  
201.

House Jour-  
nal, pp. 105, 189.  
Province  
Laws, li., 151,  
chap. 10.

at the decease of the said Widow the three sevenths retained for her use and improvement to be equally divided among the three Children of the said William deceased. [*Passed February 24.*]

## CHAPTER 124.

RESOLVE IMPOWERING JOSEPH COOLLIDGE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
204.

House Jour-  
nal, pp. 142, 192.  
Province  
Laws, ii., 151,  
chap. 10. *Ante*,  
p. 23, chap. 37.

A PETITION of Joseph Coollidge Guardian of Ephraim Warren of Watertown a person noncompos Setting forth, That sometime before the said Ephraim was under Guardianship he erected a building for a dwellinghouse on a small piece of Land containing about one acre which, not being finished, has remained useless to this time, is greatly decayed and in a few years will be ruined. And praying that he may be impowered to make sale of the said Land and Building for the benefit of the said noncompos.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and he is hereby impowered to sell the Estate mentioned in the Petition for the most the same will fetch, and to give a good Deed thereof in Law to the purchaser, he observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving caution to the Judge of Probate for the County of Middlesex that the money arising by said sale shall be put to interest for the use of the said Ephraim during life, and the remainder, after his death, if any there be both principal and interest be divided to & among his right Heirs agreeable to Law. [*Passed February 25.*]

## CHAPTER 125.

RESOLVE IMPOWERING JOSEPH MERIAM, J<sup>r</sup>, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
205.

House Jour-  
nal, pp. 168, 192.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Joseph Meriam jun<sup>r</sup> of Grafton in the County of Worcester Setting forth, That Eleazer Flagg jun<sup>r</sup> late of said Grafton deceased left an Estate consisting of about thirty five acres of Land, which will not Rent for so much as the interest of the money it will sell for would amount to. And praying that he may be impowered in his capacity of Guardian to the two only Children of the deceased to make sale thereof for their benefit and also the benefit of the Widow of the said deceased.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and hereby is impowered to make sale of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good and sufficient Deed or Deeds thereof to the purchaser or purchasers he observing the rules of the Law for the sale of Real Estates by Executors & admin<sup>rs</sup> and give<sup>1</sup> sufficient caution to the Jndge of Probate for the County of Worcester that the proceeds be applied as followeth viz<sup>t</sup> one third to be

<sup>1</sup> House Journal, p. 192, reads: "giving."

put to interest and the interest thereof be allowed and annually paid to the Widow of Eleazer Flagg jun<sup>r</sup> deceased as her dower in his said Estate, and also that the other two thirds with the interest thereon be accounted for and paid by the Petitioner to the Children of the said Flagg as they respectively arrive to lawful age in proportion as they would have inherited said Real Estate in case the same had not been sold. And further that the one third on which arises the Widows dower be divided after her decease in the same manner. [*Passed February 25.*]

## CHAPTER 126.

RESOLVE IMPOWERING ELIJAH REMINGTON & WIFE, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elijah Remington and Esther his Wife late Widow of Elisha Gun of Montague in the County of Hampshire deceased and admin<sup>r</sup> of his Estate Setting forth, That the Real Estate of the said deceased consists of one certain tract of Land in said Montague containing by estimation fifty acres, with an old dwelling-house and Barn on the same, and the said Elisha left one only surviving Child, Heir to said Estate. And, as it is necessary that part of said Estate should be sold for the payment of debts and it will be of advantage to the Child if the whole should be sold, Praying that they may be empowered to make sale of the whole thereof accordingly.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioners be and hereby are empowered to make sale of the Real Estate mentioned in the Petition for the most the same will fetch, and make and execute a good deed or deeds thereof to the purchaser or purchasers, they observing the rules of the Law respecting the sale of Real Estates by Executors & administrators and giving security to the Judge of Probate for the County of Hampshire that the money arising by such sale be applied for the payment of the debts due from the said deceaseds Estate agreeable to the prayer of the Petition, and the overplus be applied to use of the said Esther and the only Child of Elisha Gunn deceased in the same proportion as they would have held the Real Estate in case it had not been sold. [*Passed February 25.*]

## CHAPTER 127.

RESOLVE IMPOWERING THOMAS MELLEN, ADM<sup>s</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Mellen administrator of the Estate of Phinehas Gibbs late of Hopkinton deceased intestate Setting forth, That the said deceased left a Widow and four small Children to whom he left a small Farm consisting of about fifty acres of Land with an old House and Barn thereon That the said Buildings, and the Fences on the premises, are now greatly decayed and need very considerable repairs That there is debt due on the said Farm of

Legislative  
Records of the  
Council, xxx.,  
205.

House Jour-  
nal, pp. 39, 160,  
190. Province  
Laws, ii., 151,  
chap. 10.

Legislative  
Records of the  
Council, xxx.,  
205.

House Jour-  
nal, pp. 116, 189,  
192, 193. Prov.  
Laws, ii., 151,  
chap. 10.



£46.13.4 which is payable on the decease of an aged Woman, which may be daily expected That it is apprehended it will be greatly for the interest of the said Widow and Children that the said Real Estate should be sold and the money arising by the sale put out to Interest for their benefit. And praying that he may be impowered to sell the same accordingly.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and hereby is impowered to make sale of the Estate mentioned in the Petition for the most the same will fetch and to make and execute a good Deed or Deeds thereof to the purchaser or purchasers, he observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Middlesex that the proceeds of such sale be put to interest for the following purposes viz<sup>t</sup> one third of the interest thereof to be applied for the use of the Widow of the said Phinehas Gibbs deceased during her natural life in lieu of her dower in the Estate of which he died siezed, and that the sum of £46.13.4 mentioned in the Petition be paid when it shall become due, and the remainder with the interest that shall arise from the said 46.13.4 while in the hands of the Petitioner be paid to the Children of the said Gibbs as they respectively arrive to lawful age, in the same proportion as they would have inherited in case said Real Estate had not been sold, as also upon the decease of the said Widow the third which is reserved for her use as aforesaid. [*Passed February 25.*]

## CHAPTER 128.

### RESOLVE ALLOWING £20 TO MARY BUTLER.

Legislative  
Records of the  
Council, xxx.,  
207. Mass.  
Archives,  
lxxxvii., 118.

Mass.  
Archives,  
lxxxvii., 117.  
House Jour-  
nal, pp. 133, 203.

A PETITION of Mary Butler of Boston Widow Setting forth, That in the year 1761 she was possessed of a Province note for twenty pounds but, in removing her Effects, when her House was on fire, she lost three quarter parts of the said note and has never found the same. And praying that she may have some allowance for the said note on her delivering the remaining quarter part of the said note to the Province Treasurer.

Read and

*Resolved* that the Sum of Twenty Pounds be allowd & paid out of the publick Treasury to the Petitioner Mary Butler in Lieu of the Note three Quarters of which she has lost provided she Leave with the Treasurer the remaining Quarter of said Note. [*Passed February 25.*]

## CHAPTER 129.

### RESOLVE IMPOWERING ELIZ<sup>A</sup> HILL AND OTHERS, INDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
207.

A PETITION of Elizabeth Hill of Brooklyn and Hannah Hill of Cambridge Setting forth, That they are intitled, by the demise of their Father, to about forty acres of uncultivated Land lying in



Natick, which they receive no benefit from That they are in debt for their Fathers last sickness and for their own sickness. And praying that they may be impowered, with the assistance of the Guardians of the Natick Indians, to make sale of the said Land to enable them to discharge the said Debts and for their future support.

House Jour.  
nal, pp. 173, 192.  
*Ante*, p. 572,  
chap. 78.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioners be and they hereby are impowered, under the direction of their Guardians, to make sale of the Real Estate mentioned in the Petition for the most the same will fetch, and that their Guardians apply the proceeds of such sale for the payment of the debts due from the Petitioners Father at his decease and such debts of the Petitioners as appears just to the Guardians aforesaid who are to take the overplus arising by the sale, if any, and put to interest for the benefit of the Petitioners and render an account thereof to this Court. [*Passed February 25.*]

## CHAPTER 130.

### RESOLVE IMPOWERING SAMUEL SMEAD AND WIFE TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Smead and Mindwell his Wife, of Simeon King and Mindwell King all of Montague Praying that the said Samuel and Mindwell Smead may be impowered to make sale of that part of the Real Estate of Simeon King, late Husband of the said Mindwell, which was set off to her as her dower in his Estate and also the part set off to Eunice King a minor one of the three Children of the said Simeon; the said parts consist partly of an old dwellinghouse; for which a purchaser now appears.

Legislative  
Records of the  
Council, xxx.,  
208.

House Jour-  
nal, pp. 33, 160,  
190, 191. *Prov.*  
*ince Laws*, II.,  
151, chap. 10.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that Samuel Smead and Mindwell Smead be and they are hereby impowered to make sale of such parts of a House and Land as are in the division of the Real Estate of which Simeon King died siezed, divided and set off unto the said Mindwell his Widow and his daughter Eunice King for the most the same will fetch, and make and execute a good deed or deeds thereof to the purchaser or purchasers, they observing the rules of the Law for the sale of Real Estates by Executors & administrators and giving caution to the Judge of Probate for the County of Hampshire that the money arising by the sale of the said Eunice's part in said Estate be put to interest and paid her at lawful age or marriage which shall first happen, and that the money arising by the sale of the part set off and divided to the said Mindwell as her dower in her late husbands Estate, at her decease shall be paid to the Heirs of the said Simeon King deceased in the same proportion as they would have inherited the same Real Estate in case the same had not been sold. [*Passed February 25.*]

## CHAPTER 131.

## RESOLVE ALLOWING £10. 10 TO ABIGAIL CUDWORTH.

Legislative  
Records of the  
Council, xxx.,  
209.

House Jour-  
nal, p. 204.

A PETITION of Abigail Cudworth of Freetown Praying an allowance for Boarding and taking the care of one Marcy Hope a poor Indian taken sick at her House where she continued thirty five Weeks; and soon afterwards died.

[Read and]

*Resolved* that there be granted and paid out of the public Treasury of this Province to Thomas Gilbert Esq<sup>r</sup> for the use of the within named Abigail Cudworth the sum of ten pounds, ten shillings in full for the expences of nursing &c of the within named Marcy Hope. [*Passed February 26.*]

## CHAPTER 132.

## RESOLVE TOUCHING THE ADMINISTRATION OF AN ESTATE IN FAVOR OF THE WIFE DURING THE ABSENCE OF HER HUSBAND.

Legislative  
Records of the  
Council, xxx.,  
211.

House Jour-  
nal, pp. 191, 206.

ON THE PETITION of Dorothy Aldrich, praying that she may be enabled to receive some personal Estate derived to her by the decease of her Father and Brother and give discharges for the same and to convey by Deed or give consent to the distribution of her part in her Fathers Real Estate in her husbands absence.

*Resolved* that the prayer of said Petition be so far granted as that the Petitioner be and she accordingly is hereby fully impowered to receive of the administrator on her Fathers Estate and the Executor of her deceased Brothers Will such parts and parcels of such personal Estate derived to her as are in her Petition mentioned as the Selectmen of the Town, or major part of them for the time being where she shall dwell (during her Husbands absence) shall determine she shall need for her support and the support of her Children, which shall be certified under the hands of such Selectmen for which the said Dorothy may give a good and sufficient discharge in Law, and the said Dorothy is hereby further impowered to give her consent to the distribution of her Fathers Real Estate which shall be made by the Judge of Probate which shall be as valid as if her husband was acting with her jointly and she shall in the absence of her said Husband receive the incomes and profits arising from her part of said Real Estate from time to time in the same manner as she shall receive her part of the personal Estate aforesaid, and such Selectmen shall be enabled to Lease said Real Estate from year to year for her benefit during her said husbands absence. [*Passed February 28.*]

## CHAPTER 133.

RESOLVE ALLOWING PROVINCE TOWN £45 ANNUALLY FOR TWELVE YEARS TO PAY FOR PREACHING.

*Resolved* That Their be allowed and paid out of The Puplick Treasury into The Hands of The Select men of The Town of province Town for the Time Being The Sum of fourty five pounds Annually for twlve Years next after The first day of may 1772 To y<sup>e</sup> Use of The Inhabitants of Said Town To Enable Them To Discharge such Debts as have arrisen For The Preaching of The gospel among Them And further To Enable Them To pay the Protestant minister which is already Settled In said Town Provided allways that they Continue him or some other person Duly Officiating in that Character among Them Dureing Said Term: The Same To be applied To That use only: and further that all Such Sum or sums Which Said Town have Received out of the Publick Treasury To hire Preaching In Said Town within The Time Included in This Grant: Be first Deducted out of Such Sum as by This Resolve They might have Been Intituled to Receive. [*Passed February 28.*]

Legislative  
Records of the  
Council, xxx.,  
211. Mass.  
Archives, xiv.,  
716.

Legislative  
Records of the  
Council, xxx.,  
43. House  
Journal, pp. 43,  
206.

## CHAPTER 134.

ORDER DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF BRISTOL TO CONSIDER THE ESTATES OF GEORGE AND ELIZABETH PITTS AS ONE.

A PETITION of the several Heirs of the Real Estate of George Pitts and Elizabeth Pitts his Wife, late of Dighton in the County of Bristol deceased Setting forth, That the said George died Intestate siezed of a Real Estate in fee in this Province, and that soon after his death the said Elizabeth died siezed of a Real Estate in the same circumstances, and that the Heirs to each Estate are the same persons, being the Children of the said George and Elizabeth. And, as the division of the said Estates, if made separately, will be attended with great inconvenience and expence, Praying that the Judge of Probate for the said County may be impowered, in the distribution thereof, to consider them as one Estate.

Legislative  
Records of the  
Council, xxx.,  
167, 180.

House Jour-  
nal, pp. 145, 146,  
161, 162, 174, 220.

Read and

*Ordered* that the Judge of Probate for the County of Bristol in making settlement and distribution of the Real Estates of the said George Pitts and Elizabeth Pitts, do consider them as one Estate and make settlement and distribution accordingly. [*Passed March 1.*]

## CHAPTER 135.

ORDER CONFIRMING THE PROCEEDINGS OF THE PEMAQUID COMPANY AT THEIR SEVERAL MEETINGS.

A PETITION of Seth Sweetser and others proprietors of a certain Tract of Land situate near a place called Pemaquid in the County of Lincoln which was, in the year 1631, granted by the Council of

Legislative  
Records of the  
Council, xxix.,  
515; xxx., 214.

Mass.  
Archives,  
cxviii., 657.

Mass.  
Archives,  
cxviii., 655.  
Legislative  
Records of the  
Council, xxx.,  
53, 167, 192.  
House Jour-  
nal, pp. 64, 145,  
211.

Plymouth in England to Robert Aldsword and Giles Elbridge Setting forth That they have been at great pains and expences in making Surveys, plans and divisions of the said Tract of Land and in bringing forward settlements and making improvements there and in many other ways in managing the affairs of the said propriety for a course of thirty years past That in the course of these transactions they have frequently voted to raise monies for necessary purposes relating to said propriety and have ordered such sums to be laid and apportioned on the several proprietors according to their interest in the Land; but in some instances through error they have not, as they are now advised, conformed strictly to Law, tho' they have in all respects conformed to the principles of equity and good conscience That some of said proprietors have not paid their respective quotas and proportions of the expences and intended assessments aforesaid but are considerably in arrear but on account of the irregularities afores<sup>d</sup> they are informed that they cannot proceed to collect and levy said quotas or to make sale of the Lands of said delinquent proprietors for the payment thereof without great hazard of Law suits and perplexities both to the Petitioners and the said delinquent proprietors. And praying that the past proceedings of the said proprietors may be confirmed and that they may be impowered to proceed to collect and levy the said sums that are still in arrear, by sale of the delinquent proprietors Lands, or otherwise according to Law; any want of conformity to the strict regulation of the Law relating to the Votes, assessments, proceedings of proprietors of common and undivided Lands notwithstanding.

The Committee of both Houses on the Petition of Seth Sweetser and others belonging to the Company or propriety owning Lands by the name of Pemaquid Lands and the answer of Thomas Drowue agent for several of the proprietors, in answer thereto, have attended the service, and the said agent having been fully satisfied by the Petitioners and having declared that he has now no remaining objections, the Committee report that the prayer of said Petition be granted, and that the proceedings of the said Company or Propriety relative to and at their several meetings be ratified and confirmed and declared to be valid to all intents and purposes in the Law; any informality in their proceedings relative to or at said meetings notwithstanding.

Which is submitted

JAMES PITTS *per* Order

Read & accepted, &

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, & that the Proceedings of the Pemaquid Company so called relative to & at their several Meetings, be & hereby are ratified & confirmed, to all Intents & purposes in the Law; any Informality in their Proceedings relative to, or at said Meetings notwithstanding. [*Passed March 1.*]

## CHAPTER 136.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF MARTHA COTTON, EXECUTRIX, IN REGARD TO THE REHEARING OF AN ACTION.

Legislative  
Records of the  
Council, xxx.,  
215.

A PETITION of Martha Cotton of Falmouth in the County of Cumberland Executrix of the last Will and Testament of William Cotton late of said Falmouth Tanner deceased Setting forth, That

at an Inferior Court of Common pleas held at Falmouth in and for the said County on the third Tuesday of March 1773 she recovered Judgment against Elisha Baker of Brunswick in said County for £3.8.9 damage and £3.6.8 costs of Suit; from which Judgment the defendant appealed to the then next Superior Court for the said County That the Petitioner impowered M<sup>r</sup> Samuel Freeman, whom she had before employed to settle her said Husbands Estate, to appear and answer for her at said Court and he appeared accordingly, having previously applied to several Gentlemen of the Bar, but they all refused their assistance, except one who took a fee and promised to conduct in the said cause but when the action was called returned the fee in the face of the Court and refused to speak to it That thereupon the said Freeman beg'd permission of the Court to speak to the cause, but they refused him that privilege and ordered the Petitioner to be defaulted, which was done accordingly. And praying that she may be impowered to bring on the said Cause at the next Superior Court to be held for the said County, for Trial; the said default notwithstanding, and that Execution for Costs against her may be staid.

[Read and]

*Ordered* that the Petitioner serve the adverse party with an attested Copy of said Petition and this Order thereon fourteen days before the next sitting of the General Court that he may shew cause, if any he hath, on the second Tuesday of the next sitting of said Court why the prayer thereof should not be granted, and Execution is hereby ordered to be staid accordingly. [*Passed March 1.*]

House Journal, pp. 128, 210.

## CHAPTER 137.

### RESOLVE ALLOWING £4 TO SUBMIT AWAMSAMAUT, INDIAN.

A PETITION of Submit Awonsamug an Indian Woman Setting forth, That she is now, and has been for these eighteen months past, in a languishing state of health That she is in debt to several Physicians and other persons and unable to pay the same. And praying that the same may be paid out of the public Treasury, and that provision may be made for her support during her sickness.

[Read and]

*Resolved* that the sum of four pounds be allowed out of the public Treasury for the use of the Petitioner and put into the hands of Joseph Twitchel to be by him improved for paying the nursing and Boarding mentioned in said Petition and for the further support of the Petitioner and that no part thereof be improved to pay the Doctors Bills, inasmuch as they are not attested and no quantities mentioned in said Bills, therefore impossible to determine that the charges are reasonable, and that the further consideration of this Petition be referred to the next Session of the General Court. [*Passed March 1.*]

Legislative Records of the Council, xxx., 216.

Mass. Archives, xxxiii., 597-599. House Journal, pp. 168, 201, 203.

## CHAPTER 138.

## RESOLVE IMPOWERING PRISCILLA WILDER TO GIVE LEGAL DISCHARGE FOR AN INHERITANCE IN THE ABSENCE OF HER HUSBAND.

Legislative  
Records of the  
Council, xxx.,  
216.

House Jour-  
nal, pp. 105, 210.

ON THE PETITION of Priscilla Wilder praying that she may be enabled to receive of her Brother Joseph Clark her portion in her Fathers Estate ordered to her by the Decree of the Judge of Probate and to give him a sufficient discharge for the same in her Husbands absence.

*Resolved* that the prayer of said Petition be so far granted as that the said Priscilla may and she accordingly is hereby impowered to receive of her Brother Joseph Clark so much of said portion as the Selectmen of the Town for the time being where she shall dwell or the major part of them shall determine she shall stand in need of for her and her Childrens support from time to time, which Selectmen shall certify the same under their hands, whereupon her said Brother may pay so much and for which she may give a discharge of so much towards her said portion which shall be valid in Law towards the discharging her said Brother for the sum so paid as if her Husband was jointly acting with her in the same thing. [*Passed March 1.*]

## CHAPTER 139.

## RESOLVE ALLOWING £51. 8. 3½ TO THE TOWN OF HINGHAM.

Legislative  
Records of the  
Council, xxx.,  
217.

Mass.  
Archives,  
xxxiii., 600.  
House Jour-  
nal, pp. 188, 219,  
220.

A PETITION of the Selectmen of the Town of Hingham Praying the reimbursment of the expence of the said Town in supporting one Patience a poor Indian Squaw who was taken sick and Lame there, in the year 1768 and so continues, notwithstanding every possible means hath been used for her cure.

[*Read and*]

*Resolved* that the prayer of the Petition be granted and that the sum of fifty one pounds, eight shillings and three pence half penny lawful money be allowed and paid out of the public Treasury to Benjamin Lincoln Esq<sup>r</sup> for the use of the Town of Hingham in full for the support of Patience a poor Indian Squaw and the Doctors Bill from the year 1768 to this time. [*Passed March 1.*]

## CHAPTER 140.

RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> EDM<sup>D</sup> TROWBRIDGE, ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xxx.,  
218. Mass.  
Archives,  
xliv., 768.

House Jour-  
nal, p. 217.

*Resolved* that there be allowed and paid out of the Public Treasury to the Honourable Edmund Trowbridge Esq<sup>r</sup> one of the Justices of of <sup>1</sup> the Superior Court of Judicature &c the sum of Two hundred and fifty pounds for his Services for one year Ending the first of January last. [*Passed March 1.*]

<sup>1</sup> *Sic.*



## CHAPTER 141.

RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> F. HUTCHINSON, ESQ<sup>R</sup>.Legislative  
Records of the  
Council, xxx.,  
218. Mass.  
Archives,  
xliv., 771.  
House Jour-  
nal, p. 217.

*Resolved* that there be allowed and paid out of the Public Treasury to the honourable Foster Hutchinson Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature &c the sum of Two hundred and fifty pounds for his services one year ending the first [of] <sup>1</sup> January last. [*Passed March 1.*]

## CHAPTER 142.

RESOLVE ALLOWING £250 TO HON<sup>BLE</sup> NATH<sup>L</sup> ROPES, ESQ<sup>R</sup>.Legislative  
Records of the  
Council, xxx.,  
218. Mass.  
Archives,  
xliv., 770.  
House Jour-  
nal, p. 217.

*Resolved* that there be allowed and paid out of the Public Treasury to The honourable Nathaniel Ropes Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature &c the sum of Two hundred and fifty pounds for his services one year Ending the first of Jan<sup>y</sup> last. [*Passed March 1.*]

## CHAPTER 143.

RESOLVE ALLOWING £250 TO THE HON<sup>BLE</sup> W<sup>M</sup> CUSHING, ESQ<sup>R</sup>.Legislative  
Records of the  
Council, xxx.,  
218. Mass.  
Archives,  
xliv., 769.  
House Jour-  
nal, p. 217.

*Resolved* that there be allowed & paid out of the Public Treasury to the Honourable William Cushing Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature &c the sum of Two hundred and fifty pounds for his services one year Ending the first of Jan<sup>y</sup> last. [*Passed March 1.*]

## CHAPTER 144.

RESOLVE ALLOWING £140 TO THE SECRETARY.

Legislative  
Records of the  
Council, xxx.,  
218. Mass.  
Archives, l.,  
511.  
House Jour-  
nal, p. 218.

*Resolved*, That there be granted and allowed to be paid out of the Publick Treasury to the Hon<sup>ble</sup> Thomas Flucker Esq<sup>r</sup> Secretary of this Province, the sum of One hundred and Forty pounds, for his Services, ordinary and extraordinary, for one year, ending the Eleventh day of March Instant. [*Passed March 1.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xxx., 218.

## CHAPTER 145.

## RESOLVE ALLOWING £267 TO THE PROVINCE TREASURER.

Legislative  
Records of the  
Council, xxx.,  
218. Mass.  
Archives, civ.,  
652.

House Jour-  
nal, p. 217.

*Resolved* that there be granted and allowed to be paid out of the Public Treasury to the Hon<sup>ble</sup> Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of his Majestys Revenues of this Province the sum of Two hundred and sixty seven pounds for one years Service ending the Twenty third Day of December last. [*Passed March 1.*]

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## CHAPTER 146.

## RESOLVE ALLOWING £150 TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council, xxx.,  
219. Mass.  
Archives,  
lxxx., 723.

House Jour-  
nal, p. 217.

*Resolved* That there be granted and allowed to be paid out of the Public Treasury to the Hon. Thomas Cushing Esq<sup>r</sup> Commissary General the sum of One hundred and fifty pounds in full for his services for one year. ending the fifth of June next. [*Passed March 1.*]

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## CHAPTER 147.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xxx.,  
219. Mass.  
Archives, l.,  
510.

House Jour-  
nal, p. 218.

In the House of Representatives

*Resolved* that there be granted and allowed to be paid out of the Public Treasury to the Hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> the sum of Four Shillings  $\text{p}$  diem for every day of his Attendance in the General Court from the opening of the Session on the Twenty Sixth Day of May last over and above his Pay as member of this House In Council Read & Concurred. [*Passed March 1.*]

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## CHAPTER 148.

## RESOLVE ALLOWING £12 TO THE CHAPLAIN.

Legislative  
Records of the  
Council, xxx.,  
219. Mass.  
Archives, xiv.,  
717.

House Jour-  
nal, p. 218.

*Resolved*, That there be granted and allowed to be paid out of the Publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> John Hunt, the sum of Twelve pounds, for his Services as Chaplain to the two Houses of the General Assembly. [*Passed March 1.*]

## CHAPTER 149.

## RESOLVE ALLOWING £120 TO THE MESSENGER.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to M<sup>r</sup> William Baker messenger of the General assembly the sum of one hundred and twenty pounds for his services to his Excellency the Governor, the Council and House of Representatives for one year to be paid quarterly. [*Passed March 1.*]

Legislative  
Records of the  
Council, xxx.,  
219.

House Jour-  
nal, p. 218.

## CHAPTER 150.

## RESOLVE ALLOWING £100 TO THE CLERK.

In the House of Representatives

*Resolved*, That there be granted and allowed to be paid out of the Publick Treasury to M<sup>r</sup> Samuel Adams the sum of One hundred pounds, for his Service as Clerk of this House during the several Sessions of the General Assembly in the current year.

In Council Read & Concurred. [*Passed March 1.*]

Legislative  
Records of the  
Council, xxx.,  
219. Mass.  
Archives, l.,  
512.

House Jour-  
nal, p. 218.

## CHAPTER 151.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

*Resolved*, That there be granted and allowed to be paid out of the Publick Treasury to John Winthrop Esq<sup>r</sup> L.L.D. Hollisian Professor of Mathematicks and Natural Philosophy at Harvard College, the sum of One hundred pounds, as a Gratuity in consideration of his faithful discharge of the great and important Trust reposed in him for one Year, ending the thirteenth day of January last. [*Passed March 1.*]

Legislative  
Records of the  
Council, xxx.,  
219. Mass.  
Archives,  
lviii., 605.

House Jour-  
nal, p. 218.

## CHAPTER 152.

## RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Resolved* that there be granted and allowed to be paid out of the public Treasury to M<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College the sum of one hundred pounds as a Gratuity in consideration of his faithful discharge of the Great and important trust reposed in him for one year ending the twenty fifth day of January last. [*Passed March 1.*]

Legislative  
Records of the  
Council, xxx.,  
220.

House Jour-  
nal, p. 218.

## CHAPTER 153.

RESOLVE ALLOWING £40 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

Legislative  
Records of the  
Council, xxx.,  
220. Mass.  
Archives,  
Ivill., 605.

House Jour-  
nal, p. 218.

*Resolved*, That there be granted and allowed to be paid out of the Publick Treasury to Mr Stephen Sewall, Hancock Professor of the Hebrew and other Oriental Languages at Harvard-College, the Sum of Forty pounds, as a Gratuity in consideration of his faithful discharge of the great and important Trust reposed in him, the last Year. [*Passed March 1.*]

Legislative  
Records of the  
Council, xxx.,  
220. Mass.  
Archives, I.,  
509.

Mass.  
Archives, I.,  
508. House  
Journal, p. 220.  
*Ante*, p. 781,  
chap. 144.

## CHAPTER 154.

RESOLVE ALLOWING A FURTHER AMOUNT OF £100 TO THE SECRETARY.

Read &amp;

*Resolved* that there be allowed and paid out of the publick Treasury to the Hon<sup>bl</sup> Thomas Flucker Esq<sup>r</sup> Secretary of this Province the Sum of One hundred Pounds to enable him to procure Assistance in his Office. [*Passed March 1.*]

## CHAPTER 155

ORDER ALLOWING A FURTHER AMOUNT OF £120 TO THE PROVINCE TREASURER.

Legislative  
Records of the  
Council, xxx.,  
220. Mass.  
Archives, civ.,  
631.

Mass.  
Archives, civ.,  
649. House  
Journal, p. 221.  
*Ante*, p. 782,  
chap. 145.

A PETITION of Harrison Gray Esq<sup>r</sup> Treasurer and Receiver General of the Province acknowledging with gratitude the Grant already made him for his ordinary services the last year. And praying an allowance for his extraordinary services.

Read and

*Ordered* that there be allowed and paid out of the publick Treasury the<sup>1</sup> to the Petitioner<sup>1</sup> Sum of One hundred & Twenty Pounds in full for his Extra Services as mentiond in this Petition. [*Passed March 2.*]

## CHAPTER 156.

RESOLVE ALLOWING £6 TO DUDSON KILCUP.

Legislative  
Records of the  
Council, xxx.,  
221. Mass.  
Archives,  
Ixxx., 724.

House Jour-  
nal, pp. 209, 221.  
*Ante*, p. 103,  
chap. 215.

A PETITION of Dudson Kilcup of Boston Setting forth, That in the year 1765 he was ordered by a Committee of the then General assembly to take and form a complete List of all officers and Soldiers who had served the Province in an Expedition against the Island of Cape Breton and other places and render such List, preparatory to a Grant of Lands to be made them by the said Court That he accordingly, with great expence of time and labour,

<sup>1</sup> *Sic.*

prepared the said List; for which the Court granted him the sum of fifteen pounds only; whereas by the rules of Law the Copies of the said List would amount to Seventy pounds. And praying a further allowance.

*Resolved* that there be allowed and paid out of the publick Treasury to the Petitioner Dudson Kileup the Sum of Six pounds, in full Consideration with the Sum formerly granted to him for his Services mentioend in the Petition. [*Passed March 2.*]

## CHAPTER 157.

RESOLVE IMPOWERING HENRY BROMFIELD, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Henry Bromfield of Boston merchant Guardian to three of his Children viz<sup>t</sup> Henry, Abigail and Sarah Bromfield minors Setting forth, That the said minors are siezed in fee of an undivided third part of a House and Land in Cole Lane in Boston, which House is greatly decayed and will require much expence to make it tenantable That the owners of the other two third parts of the said House and Land have agreed to dispose of their interest therein. And, as an opportunity now offers for disposing of the said House and Land to its full value, Praying that he may be impowered to make sale of the said minors third part thereof; which he apprehends will be more to the emolument of the said minors than deferring the sale until they arrive at age.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and hereby is impowered to make sale of the Real Estate in the Petition mentioned for the most the same will fetch and make and execute a good deed or deeds of the same to the purchaser or purchasers thereof he observing the directions in the Law for the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds of such sale be put to Interest for the benefit of the said minors and be paid to them as they respectively arrive to lawful age in such proportion or proportions as they would have inherited the said Real Estate had the same not been sold.

[*Passed March 2.*]

Legislative  
Records of the  
Council, xxx.,  
222.

House Jour-  
nal, p. 222.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 158.

RESOLVE IMPOWERING BENJ<sup>A</sup> KENT, ESQ<sup>R</sup>, & OTHERS, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Benjamin Kent Esq<sup>r</sup>, John Head and Joseph Pierce merch<sup>ts</sup> all of Boston Executors of the last Will and Testament of Jane Eustis late of said Boston Widow deceased Setting forth That the said Jane Eustis died siezed in fee simple by Deed of mortgage, from Benoni Danks, of several Tracts or parcels of Land situate in Northampton in this Province; all which were devised by the said Jane in her last Will and Testament to Sarah

Legislative  
Records of the  
Council, xxx.,  
223. Mass.  
Archives, xix.,  
836.

Mass.  
Archives, xix.,  
832-835. House  
Journal,  
pp. 201, 222.

Province  
Laws, II., 151,  
chap. 10.

Kent a minor and daughter of the aforementioned Benjamin That the said Lands, and the Buildings thereon, are in so ruinous a situation as to afford scarce any Interest or profit and must very soon sink greatly in value, unless they are sold to such persons as can take an immediate and effectual care and charge thereof. That there is now an opportunity of selling the same Lands and Tenements for as much money as they are or perhaps ever will be worth. And praying that they may be empowered to make sale thereof for the benefit of the said minor.

[Read and]

*Resolved* that the Prayer of the Petition be granted and that the Petitioners be and they are empowered to make sale of the Real Estate in the Petition mentiond for the most the same will fetch and make & Execute a good Deed or Deeds of the same to the Purchaser or Purchasers they observing the directions of the Law for the sale of Real Estate by Executors & administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds of Such Sale be paid to Sarah Kent the minor in the Petition Named at such time or times as y<sup>e</sup> Said Real Estate would have come into her hands had the same not been sold. [*Passed March 2.*]

## CHAPTER 159.

RESOLVE GRANTING 400 ACRES OF EQUIVALENT LAND TO JOSEPH JOSSELYN, ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xxx.,  
224. Mass.  
Archives,  
cxviii., 764.

A PETITION of Joseph Josselyn Esq<sup>r</sup> of Hanover Praying for a Grant of unappropriated Land in lieu of a right which he purchased in a Township granted by the General Court in June 1732 to Benjamin Smith and others for services done in the Narraganset Indian War; which Township afterwards fell into the Province of New-hampshire

[Read and]

Mass.  
Archives,  
cxviii., 763.  
Maps and  
Plans, Mis.,  
xxxii., 8.  
House Jour-  
nal, pp. 168, 223.  
Province  
Laws, xi., 723,  
chap. 29. *Ante*,  
p. 43, chap. 82.

*Resolved* that there be granted to the Petitioner Joseph Joselyn his heirs & assigns forever a Tract of Land of four hundred acres to the Eastward of Saco River adjoining to Some former Grant in lieu of and in full Satisfaction for the land taken from him as mentioned in this Petition, Provided it does not Interfere with any former Grant & that the Petitioner return a Plan thereof to this Court taken by a surveyor & chainmen under Oath within Twelve months for their Confirmation. [*Passed March 3.*]

## CHAPTER 160.

RESOLVE ALLOWING £4 TO TIMOTHY MADDING.

Legislative  
Records of the  
Council, xxx.,  
224. Mass.  
Archives,  
lxxx., 721.

Mass.  
Archives,  
lxxx., 720.  
House Jour-  
nal, pp. 201, 224.

A PETITION of Timothy Madding of Uxbridge Setting forth, That in the year 1759 he enlisted as a Soldier to serve in the Expedition against Canada and repaired to Worcester and was there rejected by Cap<sup>t</sup> Wheelock muster master for the King, on account of his being young and low of Stature, and of course never received any Billetting money for his subsistence; but, being desirous to serve his King and Country, he proceeded to Albany, at his own



expence, and joined his Regiment and served the whole Campaign to the acceptance of his officers. And praying relief.

Read &

*Resolved* that there be paid out of the Public Treasury to M<sup>r</sup> Edward Rawson for the use of Timothy Maddin the sum of four Pounds in full for the Purposes mentioned in the Petition. [*Passed March 3.*]

## CHAPTER 161.

### RESOLVE ALLOWING £69.10 TO THE TOWN OF BERKLEY.

A PETITION of Samuel Gilbert of Berkley in the County of Bristol agent for the said Town Praying the reimbursement of the sum of £69.10/ which the said Town has expended in supporting one Isaac Muet and his Wife two poor Indians, not belonging to any Town in the Province, over and above the proceeds of certain Land which was sold by order of the General Court in 1757 for that purpose.

[Read and]

*Resolved* that the Petition of Samuel Gilbert in behalf of the Town of Berkley be granted, and that there be paid out of the public Treasury to Thomas Gilbert Esq<sup>r</sup> Sixty nine pounds, ten shillings, to be by him paid to the Petitioner for the use of the Town of Berkley in full for keeping Isaac and Jane Muet as set forth in said Petition. [*Passed March 4.*]

## CHAPTER 162.

### RESOLVE IMPOWERING WILLIAM BLAIR TOWNSEND AND THOMAS FAYERWEATHER, EXECUTORS, TO SELL REAL ESTATE.

A PETITION of Epes Sargent Esq<sup>r</sup> one of the legal Representatives of the hon<sup>ble</sup> John Osborne Esq<sup>r</sup> late of Boston deceased, in behalf of himself and the other Representatives of the said Osborne Setting forth, That the hon<sup>ble</sup> Thomas Hubbard Esq<sup>r</sup> late of Boston deceased and one of the Executors of the last Will and Testament of the said Osborne, obtained an Order of this Court in May last empowering him to make sale of a certain piece of Land in Milk Street in the Town of Boston part of the Estate of the said Osborne, as by the said Order may appear; but before the time he appointed for the sale of the said Land, he died. And praying that William Blair Townsend and Thomas Fayerweather Esq<sup>rs</sup> Executors to the said Thomas Hubbard may be authorized to complete the execution of the power granted for the sale of the said Land.

[Read and]

*Resolved* that the Prayer of this Petition be granted and William Blair Townsend and Thomas Fayerweather Esq<sup>rs</sup> Executors of the last will of the Honble Thomas Hubbard Esq<sup>r</sup> deceased are hereby fully empowered to make sale of & execute a good and sufficient deed or deeds of, the piece or parcel of Land in the petition mentioned they observing the same regulations and being subject to the same restrictions the said Thomas Hubbard Esq<sup>r</sup> must have ob-

Legislative  
Records of the  
Council, xxx.,  
228.

House Jour-  
nal, pp. 140, 225.  
Province  
Laws, xvi., §5,  
chap. 192.

Legislative  
Records of the  
Council, xxx.,  
230. Mass.  
Archives, xix.,  
831.

Mass.  
Archives, xix.,  
830. House  
Journal,  
pp. 223, 226.  
*Ante*, p. 730,  
chap. 46.

served and been subject to by a Resolve of this Court in last May session empowering him to make sale of the same Land. [*Passed March 4.*]

## CHAPTER 163.

### RESOLVE IMPOWERING JOSEPH GOOCH TO ENTER AN APPEAL FOR THE REHEARING OF AN ACTION.

Legislative  
Records of the  
Council, xxx.,  
232.

Legislative  
Records of the  
Council, xxx.,  
152, 168. House  
Journal,  
pp. 133, 135, 164,  
181, 228.

IN COUNCIL. It appearing to this Board that granting the prayer of the Petition of Elisha Doane Esq<sup>r</sup> that he be impowered to file a complaint as prayed for &c would work a great injury to the Respondent, who at the Inferior Court made a plea, and really intended to defend the action at the then next Superior Court to be holden for the County of Suffolk and accordingly appealed and entered into recognizance for that purpose, but through the inadvertence of his attorney failed to prosecute. And to dismiss the Petition may work as great injustice to the Petitioner both of which have lost their Law, and that justice may be done to both:

*Resolved* that Joseph Gooch the Respondent be and he hereby is impowered to enter his appeal at the present Superior Court of Judicature, now holden at Boston and the Justices of the said Court are hereby authorized and impowered as fully to hear and determine said action thereon as by Law they could have done had said action been entered at the Superior Court to which it was appealed, provided the said Joseph serve Elisha Doane Esq<sup>r</sup> or his attorney with an attested Copy of this Order at least one month before said action is entered, but in case the Respondent should fail of entering his action as aforesaid, that then the prayer of the Petitioner be so far granted as that he have liberty to file his complaint as prayed for, and the Justices of said Court are hereby fully impowered in every respect to act and do thereon as by Law they might have done had the Complaint been entered at the holding of the last Superior Court for the said County of Suffolk.

In the House of Representatives, Read and Concurred. [*Passed March 5.*]

## CHAPTER 164.

### VOTE CHOOSING GUARDIANS FOR GAYHEAD INDIANS.

Legislative  
Records of the  
Council, xxx.,  
241. Mass.  
Archives,  
xxxiii., 615.

House Jour-  
nal, pp. 96, 174,  
236, 238.

THE TWO HOUSES according to agreement proceeded to the choice of Guardians for the Indians at Gayhead and upon examining the Votes it appeared that William Mayhew and Jonathan Allen Esq<sup>rs</sup> and Zachariah Hosswit were chosen. [*Passed March 8.*]

## CHAPTER 165.

## VOTE CHOOSING GUARDIANS FOR INDIANS OF CHAPPAQUIDDICK.

THE TWO HOUSES according to agreement proceeded to the choice of Guardians for the Indians of Chabboquiddick, and upon examining the votes it appeared that William Mayhew and Jonathan Allen Esq<sup>rs</sup> and George Johnson jun<sup>r</sup> were chosen. [*Passed March 8.*]

Legislative  
Records of the  
Council, xxx.,  
241. Mass.  
Archives,  
xxxiii., 615.<sup>a</sup>  
House Jour-  
nal, pp. 96, 157,  
174, 177, 185, 186,  
236, 238.

## CHAPTER 166.

RESOLVE ALLOWING £29. 10 TO REV<sup>d</sup> ELI FORBES.

A PETITION of Eli Forbes<sup>1</sup> of Brookfield Praying an allowance for the Boarding, Cloathing and Instructing an Indian Lad of the Onyda Tribe from the 21<sup>st</sup> day of January 1773 to the 11<sup>th</sup> day of March 1774

[Read and]

*Resolved* that there be paid out of Sir Peter Warrens Donation the Sum of Twenty nine Pounds ten shillings to the Petitioner in full for boarding cloathing and instructing the young Indian in his Petition mentioned from the 21 January 1773 to the 10<sup>th</sup> Instant being fifty nine weeks. [*Passed March 8.*]

Legislative  
Records of the  
Council, xxx.,  
241. Mass.  
Archives,  
xxxiii., 595.  
Mass.  
Archives,  
xxxiii., 594.  
House Jour-  
nal, pp. 232, 238.  
*Ante*, p. 677,  
chap. 120.

## CHAPTER 167.

RESOLVE IMPOWERING MEHET<sup>a</sup> HINKLEY, ADMINISTRATRIX, TO SELL AN ESTATE, AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mehetttable Hinkley of Welfleet in the County of Barnstable administratrix on the Estate of her late husband Cyprian Hinkley late of said Welfleet Yeoman deceased Setting forth That her said Husband sometime in October last bargained for one hundred acres of Land with some Buildings thereon, lying in Belcherston in the County of Hampshire, and paid one half part of the money agreed upon for the same, but soon after his return home, died That the said deceased left a small Real Estate in said Welfleet (where the Petitioners friends and Relations live) and two Children, one a daughter of eight years of age and the other a Son not three years old. That the Petitioner, living at so great a distance from the first mentioned Estate and her Children being so very young, cannot make any improvement of the same. And, as there is still due five hundred pounds old tenor from the said deceaseds Estate to complete the purchase aforesaid and also money which be hired upon interest to make the first payment, Praying that she may be enabled to make sale of the Real Estate purchased as aforesaid for the payment of the said debts.

[Read and]

*Resolved* that the prayer of the Petition be granted and that the Petitioner be empowered to make sale of the Estate mentioned in

Legislative  
Records of the  
Council, xxx.,  
242.  
House Jour-  
nal, pp. 143, 229.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> The House Journal, p. 238, reads, "Forbush."

the Petition for the most the same will fetch, and make and execute a good Deed or Deeds to the purchaser or purchasers, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators, first giving caution to the Judge of Probate for the County of Barnstable that the proceeds of such sale shall be applied for the payment of the debts of the said deceased, and the ~~over~~plus, if any, be applied as followeth viz<sup>t</sup> the improvement of one third thereof to the Petitioner during her natural life, and the residue (together with the Widows after her decease) shall be divided between the Children of the said deceased in the same proportion as they would have inherited had the Land not been sold. [*Passed March 8.*]

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## CHAPTER 168.

### ORDER IMPOWERING THE SELECTMEN OF THE TOWN OF HAVERHILL TO CONVEY LAND TO TIMOTHY HARDY & PHOEBE MULLIKEN.

Legislative  
Records of the  
Council, xxx.,  
243. Mass.  
Archives,  
cxxi., 520.

Mass.  
Archives,  
cxxi., 512-520.  
House Jour-  
nal, pp. 121, 191,  
194.

*Ordered* that the selectmen of the Town of Haverhill, or the Major part of them, be & hereby are authorized & impowered, if they see Cause, to execute a good & lawful Deed of Conveyance, in Fee simple, or for such other Estate as they shall think fit, to the Petitioners Timothy Hardy & Phebe Mulliken, of a certain Piece or Parcell of the highway in the said Town of Haverhill, which leads from Mulliken's Ferry, so called, to begin at the top of the Bank of the River, & to extend from thence, on the North East side of the way, into the Country, and to measure sixteen feet in breadth, & six Rods in length, for the purpose of erecting a dwelling House, & other Buildings, which may be necessary for due Attendance upon the said Ferry. [*Passed March 8.*]

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## CHAPTER 169.

### RESOLVE ACCEPTING A PLAN OF LAND IN PRINCETON SOLD BY CAPT. ASA WHITCOMB.

Legislative  
Records of the  
Council, xxx.,  
244.

House Jour-  
nal, p. 237.  
*Ante*, p. 727,  
chap. 40.

WHEREAS Cap<sup>t</sup> Asa Whitcomb was appointed at the last May Session of the General Court to sell to the highest bidder a Tract of Land in Princeton and give a Deed thereof and return a plan of the same to this Court; and the said Asa reports that he sold one hundred and three acres to Cap<sup>t</sup> John Bowen and took his Bond to the Province Treasurer for the sum of fifteen pounds, nine shillings with Interest to be paid in one year from the date of said Bond, and that he sold ten acres to John Frost for forty shillings, which said Frost has paid into the Province Treasury, and that he has given deeds thereof agreeable to the Order of this Court and returned a plan of the same:

*Resolved* that the said report be accepted, and the plan be lodged in the Secretary's office. [*Passed March 8.*]

## CHAPTER 170.

RESOLVE IMPOWERING HANNAH BADCOCK, ADMINISTRATRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Badcock administratrix of the Estate of her late husband William Badcock late of Milton in the County of Suffolk Inholder deceased intestate Setting forth That the said intestate died siezed, among other Real Estate, of a certain Farm N<sup>o</sup> 2 in Ashburnham, containing between two and three hundred acres which is of no present benefit but rather a Bill of charge to the Petitioner. That the Heirs of the said intestate are all daughters two of whom are minors. And praying that she may be empowered to make sale of the Farm aforesaid (no part of which is brought to) for the benefit of the persons interested therein.

Legislative  
Records of the  
Council, xxx.,  
244.

House Jour-  
nal, pp. 85, 106,  
239. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and hereby is empowered to make sale of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good Deed or Deeds thereof to the purchaser or purchasers, she observing the directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds of such sale be put to interest for the use of the minors and be paid to them as they come to lawful age respectively. [*Passed March 8.*]

## CHAPTER 171.

RESOLVE IMPOWERING HANNAH WATTS, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Watts of Boston Widow and Guardian to her three Children, the oldest not ten years of age Setting forth, That they own a small Farm in Chelsea and a two hundred acre lot in Royalston, which came to them from their late Grandfather the hon<sup>ble</sup> Samuel Watts Esq<sup>r</sup> That the House on their Farm in Chelsea is so ruinous that the Tenant cannot live in it except in fair weather, and unless it be repaired will soon be ruined. And praying, as well for the benefit of the Childrens Estate as for their support and maintenance, she may be empowered to make sale of the aforementioned Lot of Land in Royalston.

Legislative  
Records of the  
Council, xxx.,  
245.

House Jour-  
nal, pp. 33, 220,  
238. Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner be and she hereby is empowered to make sale of the lot of Land mentioned in the Petition for the most the same will fetch, she observing the rules of the Law for the sale of Real Estates by Executors and administrators and make and execute a good deed or deeds thereof to the purchaser or purchasers and give sufficient caution to the Judge of Probate of the County of Suffolk that the money arising by such sale be applied as followeth viz<sup>t</sup> so much thereof as is necessary be laid out in the repairs of the other part

of the said minors Estate mentioned in the Petition, and the remainder be put to interest for the benefit of the said minors and to be paid to them as they respectively arrive to lawful age in the same proportion as they would have inherited in case the said Lot of Land had not been sold. [*Passed March 8.*]

## CHAPTER 172.

RESOLVE IMPOWERING WILLIAM SHAW, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
246.

House Jour-  
nal, pp. 201, 239.  
Province  
Laws, II., 151,  
chap. 10.

A PETITION of William Shaw Guardian to the Children of Ephraim Tinkham late of Middleborough in the County of Plymouth deceased Setting forth That the said deceased died siezed of about thirty six acres of Land, about six of which is brought to, with a large House thereon, unfinished, and a large Barn very much out of repair That the Children are young and the said Estate under its present situation will not support them and keep the Buildings in repair. And praying that he may be empowered to make sale of the said Real Estate for the benefit of the Widow and Children of the said deceased.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner William Shaw be and hereby is authorized & impowered to make sale of the Real Estate in the Petition mentioned for the most the same will fetch, and make and execute a good Deed or Deeds thereof to the purchaser or purchasers he observing the rules and directions of the Law respecting the sale of Real Estates by Executors and administrators and give sufficient caution to the Judge of Probate for the County of Plymouth that the proceeds of such sale be applied as followeth viz<sup>t</sup> the interest of one third thereof for the use of the Widow of Ephraim Tinkham dec<sup>d</sup> during her natural life in lieu of her dower or thirds in his Real estate and the remainder to be put to interest for the benefit of the Children of the said Ephraim and be paid to them as they respectively arrive to lawful age in the same proportion as they would have inherited had not the Land been sold, as also the third reserved for the use of the Widow aforesaid at her decease. [*Passed March 8.*]

## CHAPTER 173.

RESOLVE REQUIRING NOTIFICATION OF MEETING IN NEW PLANTATIONS OF LINCOLN COUNTY TO CHOOSE OFFICERS THEREOF.

Legislative  
Records of the  
Council, xxx.,  
247. Mass.  
Archives,  
cxviii., 819.

House Jour-  
nal, pp. 231, 232.  
Province  
Laws, v., 254,  
chap. 50; 285,  
note.

WHEREAS At a Session of the General Court in January 1773 there was an Act passed intituled "An Act to enable and empower the Inhabitants of New plantations within this province, enjoined and subjected by Law, or that may hereafter be enjoined and subjected to pay province and County Taxes, to assess, levy and collect the same" wherein it is enacted, "That the Clerk of the Court of general Sessions of the peace for the several Counties within this province, wherein any of the afores<sup>d</sup> New plantations lye shall in some convenient Time before the third Monday of May (then) next



make and cause to be delivered a Warrant under his hand, directed to some principal Inhabitant in each of said New plantations within their respective Counties, requiring such Inhabitant to notify all the Inhabitants of said New plantation to assemble & meet together on the said third Monday of May, to choose a Clerk, Collectors & Assessors for the purposes mentioned in said Act. And whereas the Clerk of the Court of General Sessions of the peace for the County of Lincoln by Reason of the Great distance he lives from Boston and the Difficulty of Conveyance in the Spring of the year, could not obtain the said Act, till after the said third Monday of May, the Time mentioned in said Act for holding said meetings; by reason whereof the several Plantations within the County of Lincoln have not been able to choose any of the Officers mentioned in said Act, nor to assess the province or County Tax which has been laid upon them

*Resolved* that the Clerk of the Court of General Sessions of the Peace for the County of Lincoln Shall in Some Convenient Time before the Third Monday of May next make & cause to be Delivered a Warrant under his hand Directed to Some Principal Inhabitant In Each of Said New Plantations within Said County of Lincoln Requiring Such Inhabitant to Notify all the Inhabitants of Said New Plantations to Assemble & meet together on the Said Third Monday of May next to Choose a Clark; Collectors & Assessors &c for the Purposes mentioned in Said Act. [*Passed March 8.*]

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## CHAPTER 174.

### RESOLVE IMPOWERING GEORGE KIMBALL AND MARY REED, ADMINISTRATORS, TO EXECUTE A DEED.

A PETITION of George Kimball and Mary Reed administrators of the Estate of Samuel Reed late of Lunenburgh in the County of Worcester Gentleman deceased Setting forth That the said Samuel on the first day of December AD 1770 being legally possessed of a Lot of Land in Winchendon in said County called House lot N<sup>o</sup> 34 in the South division, made his Bond for the sum of three hundred pounds to Lemuel Sargent of said Winchendon Cordwainer, his Executors &c conditioned that he the said Samuel on the payment of forty pounds in four years with Interest yearly should give a Warranty deed of the same Lot; which Bond is now assigned over to John Flynt of Concord in the County of Middlesex Yeoman. And praying that they may be empowered to convey the said Lot of Land to the said John Flint in discharge of said Bond.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioners be and they are hereby fully authorized & empowered to make and execute a good Deed in Law of the Lot of Land mentioned in the Petition unto John Flynt his Heirs and assigns; the said John Flynt giving up to them the Bond which was assigned over to him as mentioned in the Petition. [*Passed March 8.*]

Legislative  
Records of the  
Council, xxx.,  
248.

House Jour-  
nal, pp. 27, 191,  
240. *Ante*,  
p. 712, chap. 8.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1774.

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NO RECORDS OF THE HOUSE JOURNAL FROM MARCH 9, 1774, TO  
JUNE 17, 1774, ARE EXTANT.

# LEGISLATIVE LIST<sup>1</sup>

FOR

1774.

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HIS EXCELLENCY THOMAS GAGE,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.  
THOMAS FLUCKER, Esq.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

SAMUEL DANFORTH	}	ESQRS.
JOHN ERVING		
JAMES BOWDOIN <sup>2</sup>		
JAMES PITTS		
SAMUEL DEXTER <sup>2</sup>		
ARTEMAS WARD		
BENJAMIN GREENLEAF		
CALEB CUSHING		
SAMUEL PHILLIPS		

JOHN WINTHROP <sup>2</sup>	}	ESQRS.
TIMOTHY DANIELSON <sup>2</sup>		
BENJAMIN AUSTIN <sup>2</sup>		
RICHARD DERBEY, JR.		
WILLIAM PHILLIPS <sup>2</sup>		
MICHAEL FARLEY <sup>2</sup>		
JAMES PRESCOTT <sup>2</sup>		
JOHN ADAMS <sup>2</sup>		
NORTON QUINCY <sup>2</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth ;*

JAMES OTIS	}	ESQRS.
WILLIAM SEVER		

WALTER SPOONER	}	ESQRS.
JERATHMEEL BOWERS <sup>2</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

JEREMIAH POWELL, JEDEDIAH PREBLE AND ENOCH FREEMAN,<sup>2</sup> ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;*

BENJAMIN CHADBOURN, Esq.

<sup>1</sup> See Legislative Records of the Council, xxx., 258-263.

<sup>2</sup> Rejected by the Governor. See Legislative Records of the Council, xxx., 263.

*For the Province, at large:—*

GEORGE <sup>1</sup>LEONARD & JEDEDIAH FOSTER, <sup>1</sup>ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 25, 1774 to June 17, 1774.*

MR. THOMAS CUSHING, SPEAKER.

### COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Thomas Cushing, Esq.,
	John Hancock, Esq.,
	Mr. Samuel Adams,
	William Phillips, Esq.
<i>Roxbury</i> , . . .	Capt. William Heath.
<i>Dorchester</i> , . .	Mr. Lemuel Robinson.
<i>Milton</i> , . . .	Mr. Stephen Miller.
<i>Braintree</i> , . .	Ebenezer Thayer, Jr., Esq.
<i>Weymouth</i> , . .	Mr. Nathaniel Bailey.
<i>Hingham &amp; Cohasset</i> , . .	{ Benjamin Lincoln, Esq.
<i>Dedham</i> , . . .	Mr. Abner Ellis.
<i>Medfield</i> , . .	Mr. Moses Bullen.
<i>Wrentham</i> , . .	Mr. Jabez Fisher.
<i>Brookline</i> , . .	Capt. Benjamin White.
<i>Stoughton and Stoughtonham</i> , . .	{ Mr. Hezekiah Gay.
<i>Walpole</i> , . . .	Mr. Enoch Ellis.
<i>Medway</i> , . . .	Capt. Jonathan Adams.

### COUNTY OF ESSEX.

<i>Salem</i> , . . .	Richard Derby, Jr., Esq.,
	Mr. John Pickering, Jr.
<i>Danvers</i> , . . .	Doctor Samuel Holton.
<i>Ipswich</i> , . . .	Capt. Michael Farley.
<i>Newbury</i> , . . .	Joseph Gerrish, Esq.
<i>Newburyport</i> , .	Capt. Jonathan Greenleaf.
<i>Marblehead</i> , .	John Gallison, Esq.
<i>Lynn</i> , . . .	Ebenezer Burrill, Esq.
<i>Andover</i> , . . .	Capt. Moody Bridges.
<i>Beverly</i> , . . .	Mr. Josiah Bachellor, Jr.
<i>Rowley</i> , . . .	Mr. Nathaniel Myghill.
<i>Salisbury</i> , . .	Mr. Samuel Smith.
<i>Haverhill</i> , . .	Mr. Jonathan Webster.
<i>Gloucester</i> , . .	Capt. Peter Coffin.
<i>Topsfield</i> , . .	Mr. John Gould.
<i>Bozford</i> , . . .	Aaron Wood, Esq.
<i>Almsbury</i> , . .	Isaac Merrill, Esq.
<i>Bradford</i> , . .	Capt. Daniel Thurston.

### COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Capt. Thomas Gardner.
<i>Charlestown</i> , .	Mr. Nathaniel Gorham.
<i>Watertown</i> , . .	Capt. Jonathan Browne.
<i>Wobourn</i> , . . .	Mr. Samuel Wyman.
<i>Concord</i> , . . .	Capt. James Barrett.
<i>Newton</i> , . . .	Abraham Fuller, Esq.
<i>Reading</i> , . . .	Samuel Bancroft, Esq.
<i>Marlborough</i> , .	Mr. Peter Bent.
<i>Billerica</i> , . . .	William Stickney, Esq.
<i>Framingham</i> , .	Capt. Josiah Stone.
<i>Chelmsford</i> , . .	Mr. Simeon Spaulding.
<i>Sherburne</i> , . .	Mr. Samuel Bullard.
<i>Sudbury</i> , . . .	Mr. Thomas Plympton.
<i>Malden</i> , . . .	Capt. Ebenezer Harnden.
<i>Medford</i> , . . .	Mr. Benjamin Hall.
<i>Weston</i> , . . .	Elisha Jones, Esq.
<i>Waltham</i> , . . .	Jonas Dix, Esq.
<i>Groton</i> , . . .	
<i>Shirley and Pepperrell</i> , . .	{ James Prescott, Esq.
<i>Acton</i> , . . .	Mr. Josiah Hayward.
<i>Westford</i> , . . .	Capt. Joseph Reed.
<i>Littleton</i> , . . .	Mr. Josiah Hartwell.
<i>Dunstable</i> , . .	John Tyng, Esq.
<i>Lincoln</i> , . . .	Capt. Eleazer Brooks.
<i>Lexington</i> , . .	Mr. Jonas Stone.

### COUNTY OF HAMPSHIRE.

<i>Springfield &amp; Wilbraham</i> , . .	{ John Worthington, Esq.,
	{ Mr. John Bliss.
<i>West Springfield</i> , .	Benjamin Day, Esq.
<i>Northampton &amp; Southampton</i> , .	{ Joseph Hawley, Esq.
<i>Hadley</i> , . . .	
<i>South Hadley</i> , . .	{ Mr. Josiah Pierce.
<i>Amherst and Granby</i> , . . .	
<i>Hatfield</i> , . . .	
<i>Whately and Williamsburgh</i> , .	{ Mr. John Dickinson.

<sup>1</sup> Rejected by the Governor. See Legislative Records of the Council, xxx., 263.



COUNTY OF HAMPSHIRE — *Concluded.*

<i>Deerfield,</i>	}	Mr. Samuel Field.
<i>Greenfield,</i>		
<i>Shelburne and</i>		
<i>Conway,</i>		
<i>Westfield and</i>	}	Capt. John Mosely.
<i>Southwick,</i>		
<i>Sunderland &amp;</i>	}	Mr. Moses Gun.
<i>Montague,</i>		
<i>Brimfield,</i>	}	Mr. Timothy Danielson.
<i>South Brimfield</i>		
<i>&amp; Monson,</i>		
<i>Northfield,</i>		
		Mr. Phineas Wright.

## COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	James Warren, Esq.,
	Mr. Isaac Lothrop.
<i>Scituate,</i>	Mr. Gideon Vinal.
<i>Marshfield,</i>	Abijah White, Esq.
<i>Middleboro',</i>	Capt. Ebenezer Sprout.
<i>Rochester,</i>	Mr. Ebenezer White.
<i>Plympton,</i>	Mr. Samuel Lucas.
<i>Pembroke,</i>	Mr. John Turner.
<i>Hanover,</i>	Capt. Joseph Cushing.
<i>Abington,</i>	Woodbridge Browne,
	Esq.
<i>Bridgwater,</i>	Capt. Edward Mitchell.
<i>Kingston,</i>	Capt. John Gray.
<i>Duxborough,</i>	Mr. George Partridge.

## COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Edward Bacon, Esq.
<i>Sandwich,</i>	Mr. Stephen Nye.
<i>Yarmouth,</i>	David Thacher, Esq.
<i>Harwich,</i>	Mr. Benjamin Freeman.
<i>Eastham and</i>	} Mr. Barnabas Freeman.
<i>Welfleet,</i>	
<i>Falmouth,</i>	Mr. Moses Swift.
<i>Chatham,</i>	Mr. Joseph Doane.

## COUNTY OF BRISTOL.

<i>Taunton,</i>	Daniel Leonard, Esq.,
	Robert Treat Paine, Esq.
<i>Rehoboth,</i>	Capt. Joseph Barney.
<i>Swansey w<sup>th</sup></i>	} Jerathmeel Bowers, Esq.
<i>Shawamet,</i>	
<i>Norton and</i>	} Thomas Morey, Esq.
<i>Mansfield,</i>	
<i>Dartmouth,</i>	Benjamin Akin, Esq.
<i>Attleborough,</i>	Mr. John Dagget.

COUNTY OF BRISTOL — *Concluded.*

<i>Dighton,</i>	Elnathan Walker, Esq.,
	Mr. William Baylies.
<i>Easton,</i>	Capt. Matthew Hayward.
<i>Freetown,</i>	Capt. Thomas Durfee.

## COUNTY OF YORK.

<i>York,</i>	Mr. Daniel Bragdon.
<i>Kittery,</i>	Edward Cutt, Esq.
<i>Wells,</i>	Mr. Ebenezer Sawyer.
<i>Berwick,</i>	Capt. Nathan Lord, Jr.
<i>Arundell,</i>	Thomas Perkins, Esq.

## DUKES COUNTY.

<i>Edgartown,</i>	Mr. Thomas Cooke.
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## IN THE COUNTY OF NANTUCKET.

<i>Sherburne,</i>	Mr. Stephen Hussey.
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## COUNTY OF WORCESTER.

<i>Worcester,</i>	Mr. Joshua Bigelow.
<i>Lancaster,</i>	Capt. Asa Whitcomb.
<i>Mendon,</i>	Mr. Edward Rawson.
<i>Brookfield,</i>	Jedediah Foster, Esq.
<i>Oxford and</i>	} Edward Davis, Esq.
<i>Charlton,</i>	
<i>Sutton,</i>	Capt. Henry King.
<i>Spencer, Leices-</i>	} Mr. Thomas Denny.
<i>ter &amp; Paxton,</i>	
<i>Rutland, Rut-</i>	} John Murray, Esq.
<i>land District,</i>	
<i>Oakham and</i>	
<i>Hubbardston,</i>	} Mr. Stephen Maynard.
<i>Westborough &amp;</i>	
<i>Northborough.</i>	} Doctor John Taylor.
<i>Lunenburg &amp;</i>	
<i>Fitchburgh,</i>	} Mr. Phineas Heywood.
<i>Shrewsbury,</i>	
<i>Uxbridge,</i>	Mr. Joseph Read.
<i>Harvard,</i>	Israel Taylor, Esq.
<i>Bolton,</i>	John Whitcomb, Esq.
<i>Petersham,</i>	Capt. Ephraim Doolittle.
<i>Hardwick,</i>	Mr. Paul Mandell.
<i>Sturbridge,</i>	Moses Marcy, Esq.
<i>Leominster,</i>	Mr. Israel Nichols.
<i>Upton,</i>	Mr. Abiel Sadler.
<i>Grafton,</i>	Mr. John Shearman.

## COUNTY OF CUMBERLAND.

<i>Falmouth and</i>	} Enoch Freeman, Esq.
<i>Cape Elizabeth,</i>	

COUNTY OF CUMBERLAND — *Concluded.**Scarborough*, . Mr. Samuel March.*North Yarmouth*, Mr. John Lewis.*Brunswick*, . . Mr. Samuel Thompson.

## COUNTY OF BERKSHIRE.

<i>Sheffield, Great</i>	}	David Ingersoll, Esq.
<i>Barrington,</i>		
<i>Egremont and</i>		
<i>Alford,</i>		

COUNTY OF BERKSHIRE — *Concluded.**Stockbridge*, . . Mr. Thomas Williams.*Tyringham*, . . Capt. Gyles Jackson.*Pittsfield*, . . Mr. James Easton.*Richmont & Lenox*, } Mr. John Patterson.*Lanesborough*, . Mr. Peter Curtis.*Williamstown*, . Capt. Isaac Searl.*Gageborough*, . Capt. William Clark.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1774.

## CHAPTER 1.

RESOLVE IMPOWERING HANNAH HUTCHINSON, ADM<sup>rs</sup>, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Hannah Hutchinson administratrix of the Estate of her husband Elijah Hutchinson late of Andover in the County of Essex deceased and Guardian to his two Children Setting forth, That the said deceased died siezed of a small Estate consisting of part of a dwelling house, much out of repair and six acres of Land apprized at £31.16/ That the debts due from the Estate of the said deceased amount to £17.7.11 more than the personal Estate. That the sale of so much of the said Real Estate as will be sufficient to pay and discharge the said debt, will leave the remainder unfit for a settlement. And praying that she may be empowered to make sale of the whole thereof.

Legislative  
Records of the  
Council, xxx.,  
265.

Province  
Laws, ii., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and the Petitioner be and she accordingly is hereby fully empowered to make sale of the whole of the Real Estate mentioned in her Petition for the most the same will fetch, and make and execute a good and sufficient deed thereof, she observing the rules of the Law respecting the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probate for the County of Essex that the proceeds of said sale be applied as followeth viz<sup>t</sup> that the Widow shall have the use of one third of such proceeds in lieu of her dower during her natural life and after her decease the principal shall be paid to the Heirs of the deceased or their legal Representatives, and the other two thirds shall be applied to the payment of the deceaseds just debts, and the remainder be put to interest and paid to the respective Heirs when they shall arrive at full age in such proportions as they could inherit in case the said Estate had not been sold. [*Passed May 27.*]

## CHAPTER 2.

## RESOLVE ESTABLISHING THE GARRISON AT FORT POWNALL AND THE WAGES OF OFFICERS AND MEN.

Legislative  
Records of the  
Council, xxx.,  
267. Mass.  
Archives,  
lxxx., 728.

*Resolved* that there be an Establishment for Twenty one Men officers Included for Fort Pownall at Ponopscot and that their Wages be fixed at the following Rates to Continue for one year from the 20<sup>th</sup> June next to the 20<sup>th</sup> June 1775

One Lieutenant	£ month . . . . .	£2. 10. 0
One Chaplain	£ ditto . . . . .	4. 0. 0
One Interpreter	£ ditto . . . . .	2. 10. 0
One Gunner	£ ditto . . . . .	2. 5. 0
One Armourer	£ ditto . . . . .	1. 10. 0
one Seargent	£ ditto . . . . .	1. 10.
fifteen privates	£ ditto . . . . .	1. 4. 0

[*Passed May 28.*

## CHAPTER 3.

## RESOLVE IMPOWERING JAMES BRIANT TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
267.

Province  
Laws, ii., 151,  
chap. 10.

A PETITION of James Briant and of the Guardians of Amos Briant, Lydia Briant and Hepzibah Briant Setting forth That James Briant late of Reading deceased, Father of the abovenamed James, Amos, Lydia and Hepzibah died siezed of a small Real Estate in said Reading apprized at about £120; the one third whereof is improved by the Widow as her dower, and that the other two thirds will not admit of a division without spoiling the whole. And praying that the same may be sold for the benefit of the Heirs.

[Read and]

*Resolved* that the prayer of the Petition be granted, and that the Petitioner James Briant be and he is hereby impowered to make sale of the Estate mentioned in the Petition for the most the same will fetch and to make and execute a good deed or deeds thereof in Law to the purchaser or purchasers, he observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving security to the Judge of Probate for the County of Middlesex that the money arising by means of said sale be applied and paid in the following manner viz<sup>t</sup> such part and proportion thereof as by Law belongs to those Heirs that are of full age to be paid them as soon as may be after the sale of said Estate and such part and proportion thereof as by Law belongs to those of the Heirs that are minors, to be put out to interest and paid to them as they respectively arrive at lawful age. [*Passed May 28.*

## CHAPTER 4.

## RESOLVE IMPOWERING JOHN THAXTER TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abigail Thaxter and Samuel Thaxter both of Hingham Exec<sup>rs</sup> of the last Will and Testament of Samuel Thaxter Esq<sup>r</sup> late of Bridgewater deceased Setting forth That the said Testator died siezed of a House and Barn and about Sixty acres of Land in the said Bridgewater, the improvement of which he devised to the said Abigail the whole term she should remain his Widow for her support and to enable her to bring up his Children, but that the same is insufficient for the purpose. And praying that they may be empowered to make sale of the said Estate.

[Read and]

*Resolved* that the prayer of the Petition be so far granted as that John Thaxter Esq<sup>r</sup> be and hereby is empowered to make sale of the Real Estate mentioned in this Petition for the most the same will fetch, and make and execute a good Deed or Deeds thereof to the purchaser or purchasers, he observing the rules and directions of the Law respecting the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the proceeds of such sale be applied for the use of the Widow of Samuel Thaxter Esq<sup>r</sup> deceased and his Children as directed in his last Will and Testament. [*Passed May 28.*]

Legislative  
Records of the  
Council, xxx.,  
268.

Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 5.

## RESOLVE IMPOWERING PHILLIPS PAYSON TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Phillips Payson of Walpole Setting forth That his Son Seth Payson is intitled, in right of his late mother who was a daughter of John Bullen late of Medfield deceased, to certain Real Estate situate in Medfield aforesaid consisting of sundry tracts or parcels of Land with a dwellinghouse thereon That the dwelling house is much out of repair, as also the Fences on the premises, so that the Income of the same will not be of so much advantage to the said Seth as would the interest of the money which might arise from the sale thereof. And praying that he may be empowered to make sale of the same accordingly.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and that the Petitioner be and he accordingly is hereby fully empowered to make sale of all the Estate mentioned in his Petition for the most the same will fetch and make and execute a good and sufficient deed or deeds thereof, he observing the rules and directions of the Law respecting the sale of Real Estates by Executors & administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of such sale shall be put to interest for the benefit of the Heir at Law, and the principal and interest be paid to him when he shall arrive at full age. [*Passed May 28.*]

Legislative  
Records of the  
Council, xxx.,  
269.

Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 6.

## RESOLVE CONFIRMING A DEED EXECUTED BY MARY ELLIOT, GUARDIAN.

Legislative  
Records of the  
Council, xxx.,  
269.

Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Eliott of Charlestown in the Province of South Carolina Widow as Guardian to her Children Elizabeth Burnham Eliott and Henrietta Eliott Minors Setting forth That the said mirrors, together with the Petitioner, Robert Cochrean and Mary his Wife and James Darby and Margaret his Wife, all of Charlestown aforesaid being siezed in fee of a certain Brick dwelling house and Land situate in Kings Street in Boston in this Province commonly called the British Coffe House, did by a certain Deed executed the 16 day of July last for a valuable consideration, sell and convey the same That the Petitioner as Guardian to her said Children signed said deed conveying their interest in the premises and received their proportion of the purchase money; all which by the Laws of South Carolina she in her said capacity apprehended she had a right to do, but that she is informed, according to the Laws of this Province, she had not power, as Guardian, to convey the same. And praying that she may have power from this Court for that purpose.

[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Deed mentioned in said Petition already executed be confirmed and shall operate to the conveyance of the said Childrens right in the premises contained in said Deed; provided that sufficient security shall be given to the Judge of Probate for the County of Suffolk, by persons in this Province, that the proceeds arising from the sale of the said Childrens right in the premises shall be applied for their benefit according to the Law of inheritance in this Province, and not otherwise. [*Passed May 28.*]

## CHAPTER 7.

## RESOLVE IMPOWERING THE TRANSFER OF THE PAYMENT OF £9 ANNUALLY TO ROGER HONEYWELL FROM MARCH TO OCTOBER.

Legislative  
Records of the  
Council, xxx.,  
270. Mass.  
Archives,  
lxxx., 727.

Mass.  
Archives,  
lxxx., 726.  
Province  
Laws, xlv., 702,  
chap. 176; xvi.,  
636, chap. 154.

THE PETITION of Roger Honeywell [in regard to pension] being read

*Resolved* and

*Ordered* that the prayer thereof be granted and that the sum of Nine pounds heretofore granted and Ordered to be paid out of the publick Treasury to the Petitioner in the month of March Annually be and hereby is ordered to be paid Out of the Province Treasury Some time in the month of October annually, And that the Treasurer of the Province be and hereby is directed to pay to the s<sup>d</sup> Petitioner Such part of the Sum afores<sup>d</sup> as Shall be due in October Next & that the Order afores<sup>d</sup> for the payment of Said Sum in the month of March hereafter Cease and determine So far as respects the Time of payment thereof. [*Passed May 28.*]



## CHAPTER 8.

RESOLVE IMPOWERING SUNDRY GUARDIANS TO SELL REAL ESTATE  
AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of John Fisher Guardian to Jonathan Hunting, Elisha Hunting Nathan Hunting and Jabez Hunting; and of Amos Fuller Guardian to Ebenezer Hunting, Asa Hunting and Amos Hunting, all minors & Children of Ebenezer Hunting late of Hingham Yeoman deceased intestate Setting forth That the said intestate died siezed of a Real and personal Estate in said Needham that the personal and part of the Real Estate is sold for the payment of debts that an incumbrance remains on the residue for the support of an aged Widow, Ruth Hunting Grandmother to the said minors; she having a part of the dwellinghouse and a certain proportion of necessaries during life, assigned her in the Will of her late husband Jonathan Hunting Father of the said intestate That the Children of the said intestate, being nine in number, are seven of them under eighteen years of age; and the two youngest have been and are a constant charge to their Guardian for their support That the Buildings being old often need repairs, and the Rent of the said Estate is so inconsiderable that it [would] be of advantage to all concerned if the said Real Estate should be sold; and David Mills and his Wife Elizabeth, and William Fuller and his Wife Sarah, who are also Children of the said intestate, are desirous thereof. And praying that they may be empowered to sell the same accordingly, saving to the said Ruth her privilege in the House as aforesaid.

Legislative  
Records of the  
Council, xxx.,  
270.

Province  
Laws, 11., 151,  
chap. 10.

[Read and]

*Resolved* that the prayer of said Petition be granted, and that the Petitioners be and they are hereby empowered to make sale of the Estate mentioned in the Petition for the most the same will fetch, and to make and execute a good deed or deeds thereof in Law to the purchaser or purchasers (saving and reserving to the Widow Ruth Hunting her right in the dwellinghouse as given her by the last Will and Testament of her late husband Jonathan Hunting deceased during her natural life) they observing the rules of the Law for the sale of Real Estates by Executors and administrators and giving sufficient caution to the Judge of Probate for the County of Suffolk that the money arising by means of said sale be put to interest and be applied to the following purposes viz<sup>t</sup> so much as is necessary to find and provide the provision and necessaries and pay the Legacy to the Widow Ruth Hunting aforesaid yearly as ordered in and by the last Will and Testament of her late husband as aforesaid deceased, and that so much thereof as is reasonable and shall be allowed by the Judge of Probate, be paid to the Guardian of the two youngest minors for his past and future charge in nursing and providing for them, and that the whole of said Estate both principal and interest after the decease of said Widow Ruth Hunting be divided to and among the right Heirs in the same proportion as they would have inherited in case said Estate had not been sold.<sup>1</sup> [*Passed May 28.*]

<sup>1</sup> Adjourned to June 7. — Legislative Records of the Council, xxx., 272.

## CHAPTER 9.

ORDER DENYING THE PETITION OF THE DISTRICT OF AMHERST FOR A DIVISION INTO TWO PARISHES, AND AUTHORIZING THE PAYMENT OF SUNDRY CHARGES.

Legislative  
Records of the  
Council, xxx.,  
276.

Province  
Laws, v., 395,  
chap. 8; 411,  
note. *Ante*,  
p. 751, chap. 87.

ON THE PETITION of Josiah Chauncy Esq<sup>r</sup> & others Inhabitants of the District of Amherst in the County of Hampshire praying for relief against a vote of the Inhabitants of said District for erecting two meeting houses, in answer to which Petition the Respondents have inserted a prayer that the said District may be divided into two Parishes.

*Ordered* that as it is apparently unreasonable and inexpedient that there should be any more than one Parish in the said District, therefore the Petition contained in the said answer be dismissed; and that the prayer of the Petition of Josiah Chauncy Esq<sup>r</sup> and others and also the Petition of Elijah Morton and others nonresident proprietors of Lands in said District be so far granted that the Petitioners, their Heirs and assigns holding the same Estates which are at present held by them be and hereby are exempted from the payment of any Rates or Taxes that are or may be raised, granted or assessed on them for the purpose of erecting or finishing any new meeting house or meetinghouses, except one meetinghouse only to be erected for the accommodation and use of the whole District and in such place or spot of ground in the said District as that such meetinghouse may be reasonably intended to have been placed and erected there for the convenience and accommodation of all the Inhabitants of said District to meet and assemble in for public worship and from the payment of all Rates or Taxes for the support of any minister or Preacher but such as shall officiate there or in the present meeting house: and that all assessments made on said Petitioners or their Estates contrary to this Order shall be and hereby are declared null & void and it is further

*Ordered* that the Inhabitants of the said District pay unto the original Petitioners for their costs and charges in and about prosecuting and supporting their said Petition, the sum of twenty eight pounds, fifteen shillings and eight pence, and that the Treasurer of the said District be and hereby is impowered and directed to pay the same out of the Treasury accordingly: and that the sum of thirty pounds, nine shillings and two pence be paid out of the Province Treasury to the Committee appointed at the last Session of the General Court to repair to Amherst for their time and expence in the affair, and that the same be laid on the said District in the next Province Tax. [*Passed June 10.*]

## CHAPTER 10.

RESOLVE CONFIRMING A PLAN OF 11,000 ACRES OF LAND TO CAPT HENRY YOUNG BROWN.

Legislative  
Records of the  
Council, xxx.,  
277. Mass.  
Archives, v.,  
329.

*Resolved* that the Plan of the Tract of Land hereunto annexed granted to Cap<sup>t</sup> Henry Young Brown April 26. 1770 containing eleven thousand acres (exclusive of one thousand two hundred and thirty six acres for Ponds and Swag of Chain) bounded as follows

viz<sup>t</sup> begining at a hemlock tree marked **B** 1770 standing on the east side of Saco River about two miles down said River on a strait line below Rattle snake Pond, said Tree stands about four rods below a small Brook which empties into Saco River, thence by a spotted line N 60 deg<sup>s</sup> E four miles to a hemlock tree marked **B** 1770 thence N 30 deg<sup>s</sup> W fifteen hundred and sixty rods, thence N 63 deg<sup>s</sup> W thirteen hundred and thirty rods to the N E corner of said Browns former Grant which is in pleasant Pond, thence South 27 deg<sup>s</sup> E by said Browns former Grant about nineteen hundred rods, including an allowance for swag of Chain to a maple tree mark'd **B** 1768 which is the S E corner of said Browns former Grant, thence S 60 deg<sup>s</sup> W to Saco River, thence down by Saco River six hundred and sixty rods upon a strait line to the first bound mark, be accepted and hereby is confirmed to the said Henry Young Brown his Heirs and assigns forever, he complying with the following conditions viz<sup>t</sup> that he do give Bond with sufficient security to the Province Treasurer or to his successor in said office to settle the same with twenty good Families, each of which in the term of five years to build a good House of twenty feet by eighteen and seven feet stud and clear for pasturage or tillage seven acres each, and that he also out of the premises grant one sixty fourth part to the first Protestant minister duly settled on the Land granted to said Brown by the General Court and confirmed to him on the 4 day of March 1767 one sixty fourth part for the use of the Ministry forever, two sixty fourth parts for the use of Harvard College, and one sixty fourth part for the use of the School forever within this and his two former Grants from this Court. And also that the Inhabitants of his several Grants aforesaid within eight years settle a Protestant Minister among them Provided it doth not exceed the quantity of acres aforesaid nor interfere with any former Grant; provided the said Henry Young Brown give the Government a Quit claim for all the Lands included in the Township sold him by this Government in the year 1764 that are between Warren & Bryants Lines, excepting twenty two hundred acres already sold to sundry persons and also one hundred acres taken out of his own Farm, said Quit claim to be lodged as soon as may be in the Secretarys office for the use of the Province. [*Passed June 10.*]

Province  
Laws, xvii.,  
522, chap. 26.  
*Ante*, p. 202,  
chap. 192;  
p. 457, chap.  
175.

## CHAPTER 11.

### RESOLVE REMITTING £12 FINE TO THE TOWN OF NEEDHAM FOR NOT SENDING A REPRESENTATIVE.

A PETITION of the Selectmen of the Town of Needham Praying that the Fine laid on the said Town for not sending a Representative to the General Court in the year 1773 may be remitted.

[Read and]

*Resolved* that the prayer be So far granted, that there be allowed and paid out of the publick Treasury into the hands of the Selectmen, for the use of the Town of Needham twelve pounds being the Sum assess'd on the Said Town for Neglecting to Return a Representative to the General Assembly in the year 1773. [*Passed June 10.*]

Legislative  
Records of the  
Council, xxx.,  
278. Mass.  
Archives,  
cxviii., 804.

Province  
Laws, v., 307,  
chap. 14; 368,  
note.

## CHAPTER 12.

RESOLVE REMITTING £6 FINE TO THE TOWN OF WAREHAM FOR NOT  
SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxx.,  
279.

Mass.  
Archives, l.,  
514. Province  
Laws, v., 311,  
chap. 14; 368,  
note.

A PETITION of the Selectmen of Wareham in the County of Plymouth Praying that the Fine laid on the said Town for not sending a Representative the last year may be remitted.

[Read and]

*Resolved* that the sum of Six pounds laid on the Town of Wareham by the General Court at their Session in May 1773 as a fine for not sending a Representative be remitted, and that the sum of Six pounds be paid out of the public Treasury of this Province to Cap<sup>t</sup> Ebenezer White for the use of the said Town of Wareham, they having been taxed for the same. [*Passed June 11.*]

## CHAPTER 13.

RESOLVE ASSESSING £36. 6 TO THE DISTRICT OF NORTHBRIDGE AND  
ALLOWING SAME AMOUNT TO THE TOWN OF UXBRIDGE.

Legislative  
Records of the  
Council, xxx.,  
281.

Province  
Laws, v., 395,  
chap. 8; 412,  
note.

UPON THE PETITION of Joseph Reed in behalf of the Town of Uxbridge, Read and

*Resolved* that the prayer of said Petition be so far granted as that the sum of thirty six pounds, six shillings be assessed on the District of Northbridge in addition to their Province Tax the current year and by them be paid into the Province Treasury, and that there be paid out of the Province Treasury to the Town of Uxbridge the said sum of thirty six pounds, six shillings, being so much assessed last year on the Town of Uxbridge which ought to have been assessed on the Town of Northbridge. [*Passed June 11.*]

## CHAPTER 14.

RESOLVE ALLOWING £24. 1. 3 TO THE TOWN OF PLYMOUTH FOR ONE  
HALF THE EXPENSE OF REPAIRS TO THE EEL RIVER BRIDGE AND  
A FURTHER AMOUNT OF £7 FOR THE EXPENSE OF THE COMMITTEE  
THEREON.

Legislative  
Records of the  
Council, xxx.,  
281. Mass.  
Archives,  
cxxl., 521.

Legislative  
Records of the  
Council, xxx.,  
45, 159, 183.  
Province  
Laws, v., 412,  
note; vii., 98,  
chap. 69; 488,  
note.

THE COMMITTEE appointed the 19<sup>th</sup> day of February last to repair to the Town of Plymouth, and to such parts of the County of Barnstable as they might think necessary and hear the agents of the Town of Plymouth and of the County of Barnstable relative to the repairs of Eell River Bridge having attended the service and heard the parties, made report; whereupon the following Order passed viz<sup>t</sup>

In Council, Read & accepted, & thereupon

*Resolved* that the sum of Twenty four Pounds one shilling & three pence, be paid out of the public Treasury to the Agents, for the Town of Plymouth, for the use of said Town, being the one half of the Expence of rebuilding Eell River Bridge aforesaid, in the year 1770, as set forth in said Petition, and that the said Sum

of Twenty four Pounds one shilling & three pence, and also the sum of Seven Pounds in full for the time & Expences of the Committee appointed as abovesaid be paid out of the public Treasury, and laid on the several Towns within the County of Barnstable, in the next Tax Act in proportion to their Province tax, and that for the future, the said County of Barnstable, be discharged from paying any further sum towards the building or repairing the Bridge over Eell River aforesaid

In the House of Representatives

Read & Concurr'd (the House reserving to itself the Right of originating Taxes). [*Passed June 11.*<sup>1</sup>

## CHAPTER 15.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF CUMBERLAND TO GRANT LETTERS OF ADMINISTRATION DE BONIS NON ON AN ESTATE.

A PETITION of John Rowe Esq<sup>r</sup> and others Creditors of James Hope late of Falmouth in the County of Cumberland merchant deceased Setting forth, That in the year 1765 the said James Hope died, having some time before made a Will and appointed his Wife sole Executrix thereof That the said Executrix instead of executing her said trust with fidelity or distributing the Estate of her Testator according to Law, she has wasted thereof and rendered the Estate Insolvent and has absconded and is not like to return, so that the Creditors are in danger of being deprived of their lawful demands. And praying that the Judge of Probate for the said County may be empowered to grant administration, with the Will annexed, on the Estate of the said deceased to one or more of the principal Creditors; the said Executrix being alive notwithstanding.

Legislative  
Records of the  
Council, xxx.,  
282.

[Read and]

*Ordered* that the prayer thereof be so far granted as that the Judge of Probate for said County of Cumberland be and hereby is empowered and directed to grant Letters of administration de bonis non, with the Will annexed, to one or more of the principal Creditors to the said James Hope, they complying with the rules & directions of the Law in such cases made and provided; the said Mary Hope being now alive notwithstanding. [*Passed June 14.*

## CHAPTER 16.

RESOLVE IMPOWERING JOHN APPLETON, GUARDIAN, TO JOIN WITH OTHER HEIRS IN THE SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Henry Gibbs, Josiah Willard Gibbs and John Appleton Guardian for William Gibbs a minor Setting forth That the said Henry, Josiah Willard and William are joint owners of two certain tracts or parcels of waste Lands lying in the District of

Legislative  
Records of the  
Council, xxx.,  
282. Mass.  
Archives, xix.,  
845.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 14.



Mass.  
Archives, xix.,  
243.

Spencer in the County of Worcester, and also of one small tract of Land lying in Lunenburg in the same County; That the said Tracts bring in no income but on the contrary the care of them is attended with considerable expence; that they have now an opportunity of disposing of said Lands to great advantage and a partition thereof cannot be made amongst the owners without great prejudice to the Estate. And praying that the said John Appleton, in his said capacity, may be impowered to join with the said Henry and Josiah Willard Gibbs in the sale of the premises.

[Read and]

*Resolved* that the Prayer of the foregoing Petition be Granted. and that the Petitioner John Appleton the Guardian to Said Minor be and he accordingly is hereby fully Impowered to Join with the Said Henry Gibbs and Josiah Willard Gibbs in the Sale of the Tracts of Land in this Petition mentioned and make and Execute a Good & Sufficient Deed of his Wards Part or Right in the Same which shall as Effectually Convey the Same as if His Said Ward was of full age and Conveying the Same Provided that before Such Conveyance he Shall Give Good & Sufficient Security to the Judge of Probate for the County of Essex that that part of the proceeds of Such Sale which Shall of Right belong to his Said Ward Shall be put to Intrest for his benefit and be paid to him when he Shall arrive to the age of Twenty & one Years or to his Legal Representatives in Case of His Decease before that time. [*Passed June 14.*]

## CHAPTER 17.

RESOLVE IMPOWERING JOSIAH LOCKE AND GEORGE WILLIAMS, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
283.

A PETITION of Josiah Locke Guardian of Barsheba Burnet a minor and daughter of John Burnet late of Oxford deceased, and of George Williams Guardian of Hannah Burnet a minor and daughter of said deceased Setting forth, That John Burnet late of Hardwick deceased, died without issue and left a Real Estate situate in said Hardwick, containing about one hundred acres, appraised at £69.6.8 That the personal Estate of the said deceased is insufficient to pay his just debts That the sale of part of said Land will be a great damage to the remainder That the Heirs to the said Estate are eight in number and all females, for whose advantage it will be if the whole of the said Real Estate should be sold. And praying that they may be impowered, in their said capacity, to join with the other Heirs in the sale of the premises.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and the Petitioners be and they accordingly are hereby fully impowered to join with the other Heirs of the deceased in the sale of the Estate mentioned in this Petition which shall fully convey their Wards right in the same, provided they give sufficient security to the Judge of Probate for the County of Worcester that the proceeds of such sale which doth of right belong to their respective Wards, shall be put to interest and the interest and principal shall be respectively paid to them as they shall arrive at full age, their proportion of the debts of the deceased and costs of administration being first deducted. [*Passed June 14.*]



## CHAPTER 18.

RESOLVE REMITTING £12 FINE TO THE TOWN OF MEDWAY FOR NOT  
SENDING A REPRESENTATIVE.

A PETITION of Jonathan Adams agent for the Town of Medway Praying that a Fine laid on the said Town for not sending a Representative to the General Court the last year, may be remitted.

[Read and]

*Resolved* that the prayer of the foregoing Petition be Granted and the fine laid upon the Town of medway mentioned in this Petition being twelve pounds be accordingly Remitted to them And the province treasurer is accordingly Directed to pay to Capt Jonathan Adams for the use of Said Town the Said Sum it appearing that they have been assessed for the Same. [*Passed June 14.*]

Legislative  
Records of the  
Council, xxx.,  
284. Mass.  
Archives, 1,  
519.

Mass.  
Archives, 1,  
518. Province  
Laws, v., 307,  
chap. 14; 368,  
note.

## CHAPTER 19.

RESOLVE ACCEPTING REPORT OF COMMITTEE APPOINTED TO EXAMINE  
TITLES TO LAND ON TAUCONICK MOUNTAIN AND CONFIRMING LAND  
TO SUNDRY PERSONS.

ON THE REPORT of the Committee, (Maps and Plans, Mis., xiv., 21) Appointed on the Petition of Nathan Benjamin to repair to Tauconnick Mountain there to make Enquiry and Determine who are the Original Purchasers their heirs and Assigns And who ought to be Admitted Grantees of the land mentioned in said Petition

*Resolved* that the said report be Accepted, and that there be, and hereby is granted and Confirmed to the Several persons named in said report their heirs and Assigns, the lands therein mentioned, to be Holden, as by said report and Plan is particularly described and Delineated the said Grantees paying therefor in to the Province Treasury or they giving Sufficient Security within Six months from this date to the Province Treasurer for the payment of the Sum of Two Hundred and forty pounds lawfull money within two years from & after this Day, with the lawfull interest of the Same Sum from the fifteenth Day of may ADom 1766 untill the same Shall be paid. [*Passed June 14.*]

Legislative  
Records of the  
Council, xxx.,  
286. Mass.  
Archives,  
ccxliii., 97.

Maps and  
Plans, Mis.,  
xiv., 21, 22.  
Province  
Laws, v., 1234-  
37, notes.  
*Ante*, p. 760,  
chap. 102.

## CHAPTER 20.

RESOLVE LIMITING THE INTEREST ON GOVERNMENT SECURITIES DUE  
THIS MONTH OF JUNE, 1774.

WHEREAS there Will become Due in this Month Sundry notes Given by the Province Treasurer; and Sufficient Provision having been made for the paying of the same and if the possessors of Such notes Should not bring them in to the treasurer to be paid the Province will Suffer Damage by Such neglect  
therefore

*Resolved* that the possessors of Such notes who Shall not bring them to the Province treasurer to be paid by the Last Day of July next Shall not Receive any Intrest on the same after that time and

Legislative  
Records of the  
Council, xxx.,  
288. Mass.  
Archives, civ.,  
656.

Province  
Laws, v., 107,  
chap. 8.

the Province treasurer is-hereby Directed forthwith to Cause this order to be Published in all the Boston News Papers three week Successively that Every one Concerned may be notified hereof. [*Passed June 15.*]

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## CHAPTER 21.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative  
Records of the  
Council, xxx.,  
289.

THE ACCOUNT of John Cotton Treasurer of the County of Plymouth being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said accounts that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1773 were for such purposes and appropriations as the Law impowered the said Court to grant; therefore

*Resolved* that said account be allowed. [*Passed June 15.*]

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## CHAPTER 22.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative  
Records of the  
Council, xxx.,  
289.

THE ACCOUNT of Michael Farley Treasurer of the County of Essex being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said accounts that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1773 were for such purposes and appropriations as the Law impowered the said Court to grant; therefore

*Resolved* that the said accounts be allowed. [*Passed June 15.*]

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## CHAPTER 23.

### RESOLVE ALLOWING THE ACCOUNT OF THE COUNTY TREASURER OF THE COUNTY OF DUKES COUNTY.

Legislative  
Records of the  
Council, xxx.,  
289.

THE ACCOUNT of Beriah Norton Treasurer of the County of Dukes County being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for the said County were for such purposes and appropriations as the Law impowered the said Court to grant, excepting the sum of two pounds and eight shillings paid James Athearn Esq<sup>r</sup> and the sum of twenty four shillings paid James Smith which do not appear were such as said Court by Law had a right to grant and allow; therefore

*Resolved* that the said account be allowed, excepting the sums abovementioned. [*Passed June 15.*]

## CHAPTER 24.

### RESOLVE REMITTING £12 FINE TO THE TOWN OF LEOMINSTER FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Israel Nichols of Leominster, in behalf of the said Town, Praying that the several Fines laid on the said Town for not sending a Representative in the years 1771, 1772 & 1773 may be remitted.

Read and

*Resolved* that the prayer of said Petition be so far granted that there be paid out of the Province Treasurer[y] the sum of twelve pounds to M<sup>r</sup> Israel Nichols for the use of said Town of Leominster; said sum being added to their Province Tax the last year. [*Passed June 15.*]

Legislative  
Records of the  
Council, xxx.,  
289.

Mass.  
Archives, l.,  
525. Province  
Laws, v., 314,  
chap. 14; 368,  
note.

## CHAPTER 25.

### RESOLVE REMITTING £12 FINE TO THE TOWN OF DUXBOROUGH FOR NOT SENDING A REPRESENTATIVE.

A PETITION of George Partridge of Duxborough in behalf of the said Town Praying that a fine laid upon the said Town for not sending a Representative to the General Court the last year, may be remitted.

Read &

*Resolved* that the Prayer of Said Petition be Granted & that the Sum of Twelve Pounds be paid out of the Province Treasury to M<sup>r</sup> George Partridge for the Use of the Town of Duxborough Said Sum of Twelve Pounds being added to their Province Tax the Last Year. [*Passed June 15.*]

Legislative  
Records of the  
Council, xxx.,  
290. Mass.  
Archives, l.,  
528.

Mass.  
Archives, l.,  
527. Province  
Laws, v., 311,  
chap. 14; 368,  
note.

## CHAPTER 26.

### RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

THE ACCOUNT of Solomon Otis Esq<sup>r</sup> Treasurer of the County of Barnstable being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said account that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1773 were for such purposes and appropriations as the Law impowered the said Court to grant and allow; therefore

*Resolved* that the said account be allowed. [*Passed June 15.*]

Legislative  
Records of the  
Council, xxx.,  
290.

## CHAPTER 27.

RESOLVE IMPOWERING THE SELECTMEN OF THE TOWN OF BOOTHBAY  
TO CALL A TOWN MEETING.

Legislative  
Records of the  
Council, xxx.,  
290. Mass.  
Archives,  
cxviii., 834.

Mass.  
Archives,  
cxviii., 833.

*Resolved* that the prayer of the Petition (of William McCobb and others in behalf of the Town of Boothbay in the County of Lincon) be granted and that the Select-Men for the year 1773, or the major part of them, be, and hereby are authorised and Required to issue out their Warrant Directed to one of the Constables of said Town for the year 1773. Requiring him to warn the Freeholders and other Inhabitants Qualified according to law to vote in Town affairs to meet together at such time and place (in said Town) as shall be expressed in said warrant to Chuse such officers as Towns by law are authorised to Chuse in the Month of March Annually. [*Passed June 15.*]

## CHAPTER 28.

RESOLVE REMITTING £6 FINE TO THE TOWN OF UPTON FOR NOT  
SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxx.,  
291.

Mass.  
Archives, l.,  
515. Province  
Laws, v., 314,  
chap. 14; 368,  
note.

A PETITION of Abiel Sadler agent for the Town of Upton Praying that the Fine laid on the said Town the last year for not sending a Representative may be remitted.

[Read and]

*Resolved* that the prayer be granted and that there be allowed and paid out of the public Treasury into the hands of Abiel Sadler for the use of the Town of Upton the sum of Six pounds, being the sum assessed on said Town for neglecting to return a Representative to the General assembly in the year 1773. [*Passed June 15.*]

## CHAPTER 29.

RESOLVE REMITTING £14 FINE TO THE TOWN OF WESTFORD FOR NOT  
SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxx.,  
280. Mass.  
Archives, l.,  
530.

Mass.  
Archives, l.,  
529. Province  
Laws, v., 309,  
chap. 14; 368,  
note.

A PETITION of Joseph Read agent for the Town of Westford Praying that the Fine laid on the said Town for not sending a Representative the last year may be remitted.

[Read and]

*Resolved* that there be allowed and paid out of the Publick Treasury into the hands of M<sup>r</sup> Joseph Read for the use of the Town of Westford the sum of fourteen pounds being the sum assess<sup>d</sup> on said Town for neglecting to return a Representative to the General Assembly the Last year. [*Passed June 16.*<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 11.

## CHAPTER 30.

RESOLVE REMITTING £29 FINE TO THE TOWN OF DUNSTABLE FOR NOT  
SENDING A REPRESENTATIVE.

A PETITION of Joseph Danforth and others in behalf of the Town of Dunstable Praying that the Fines laid on the said Town in the years 1770 and 1773 may be remitted; the said Town being unable in those years to send a Representative.

[Read and]

*Resolved* that the prayer of the foregoing Petition be Granted and the fine mentioned in their Petition being Twenty Nine pounds in the whole which was taxed on Said Town In the Year 1770 & in the Year 1773 bee remitted to them And the Province Treasurer is hereby Directed to Repay the Same out of the province Treasury to John Ting Esq<sup>r</sup> for the Use of Said Town. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxx.,  
292. Mass.  
Archives, l.,  
524.

Mass.  
Archives, l.,  
523. Province  
Laws, v., 45,  
chap. 7; 369,  
chap. 14; 368,  
note.

## CHAPTER 31.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF YORK  
COUNTY.

THE ACCOUNT of Daniel Moulton Esq<sup>r</sup> Treasurer of the County of York being laid before the Court for allowance the following Order passed thereon viz<sup>t</sup>

Whereas it appears upon examination of said accounts that all the monies granted and allowed by the Court of General Sessions of the peace for said County for the year 1773 were for such purposes and appropriations as the Law empowered the said Court to grant; therefore

*Resolved* that the said account be allowed. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxx.,  
292.

## CHAPTER 32.

RESOLVE REMITTING £11 FINE TO THE TOWN OF GRAFTON FOR NOT  
SENDING A REPRESENTATIVE.

A PETITION of John Sherman agent for the Town of Grafton Praying that the Fines laid on the said Town in the years 1772, and 1773 for not sending a Representative may be remitted.

Read and

*Resolved* that the prayer of the Petition be So farr Granted that their be allowed and paid out of the publick Treasury the Sum of Eleven pounds to the Petitioner for the use of said Town of Grafton in full of the Assesment mentioned in Said petition. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxx.,  
293. Mass.  
Archives, l.,  
517.

Mass.  
Archives, l.,  
516. Province  
Laws, v., 314,  
chap. 14; 368,  
note.

## CHAPTER 33.

## RESOLVE IMPOWERING MARY EATON, ADMINISTRATRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
293.

Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary Eaton Widow of Joseph Eaton late of Dedham deceased and administratrix of his Estate Setting forth, That the said deceaseds Personal Estate is insufficient to pay his just debts, and that he died siezed of a House and Barn and about thirty four aeres of Land; some part of which is very poor swampy Land That the sale of part of the premises will be a great damage to the remainder. And praying that she may be enabled to make sale of the whole thereof for the payment of debts and for the support of herself and Child; with which she was pregnant at the death of her said Husband in Septem<sup>r</sup> last.

[Read and]

*Resolved* that the prayer of the foregoing Petition be granted, and the Petitioner be and she accordingly is hereby fully impowered to make sale of the whole of the Real Estate in her Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof, she observing the rules and directions of the Law for the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Suffolk that the proceeds of the said sale shall be applied for the payment of such debts of the deceased as the personal Estate is not sufficient to pay and that the Widow shall be allowed the interest of one third part of such proceeds during her natural life in lieu of dower, and the residue shall be put to interest for the benefit of the Heir who shall when of age receive the principal and interest, excepting such parts as the Judge of Probate may allow for her support during her infancy, also that the Widows third be paid to said Heir or her legal Representative immediately after her said mothers decease. [*Passed June 16.*]

## CHAPTER 34.

## RESOLVE REMITTING £12 FINE TO THE TOWN OF LITTLETON FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council, xxx.,  
294. Mass.  
Archives, i.,  
533.

Mass.  
Archives, i.,  
531. Province  
Laws, v., 309,  
chap. 14; 369,  
note.

A PETITION of Josiah Hartwell of Littleton, in behalf of the said Town, Praying that the sum of thirty six pounds assessed on the said Town, the three last years, for not sending a Representative may be remitted.

[Read and]

*Resolved* that the prayer of the Petition of Josiah Hartwell in behalf of the Town of Littleton be So farr Granted that there be allowed & paid out of the Publick Treasury in to the Hands of m<sup>r</sup> Josiah Hartwell for the use of the Town of Littleton the Sum of twelve Pounds being one third part of the Sum assessed on Said Town for Neglecting to return a representative to the General assembly the three last years. [*Passed June 16.*]



## CHAPTER 35.

## ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF HENRY PRICE IN REGARD TO A JUDGMENT.

THE COMMITTEE appointed the 13<sup>th</sup> instant on the Petition of Henry Price, [*ante*, p. 752, chap. 88] made Report; whereupon the following Order passed viz<sup>t</sup>

Read and accepted and

*Ordered* that the prayer of the Petition be granted, and that the Inferior Court of Common pleas within and for the County of Lincoln be and are hereby impowered to take off the default mentioned, occasioned by the defendants non appearance, and at their next Term to proceed to the Trial of the suit brought against the Petitioner by Gideon Gardiner within mentioned and to render Judgment and issue Execution accordingly. And whereas in consequence of the default aforesaid Execution has been taken out and served on the said Henry Price by which he has been obliged to pay David Phips Esq<sup>r</sup> Sheriff of the County of Middlesex twenty one pounds five shillings and nine pence for debt, costs and fees:

*Ordered* that the said Phips keep the money now in his hands as a security for what the said Gideon Gardiner shall finally recover, and after Judgment said Phips to account with said Price for the sum remaining in his hands, if any there be. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxx.,  
295.

Legislative  
Records of the  
Council, xxx.,  
286. *Ante*,  
p. 752, chap. 88.

## CHAPTER 36.

## RESOLVE IMPOWERING DAVID CLAP TO EXECUTE A DEED.

A PETITION of David Clap of Southampton in the County of Hampshire Setting forth That he was heretofore married to Lucy Pomeroy by whom he had issue one Child which is now alive that the said Lucy by decent from her Father, during the said marriage, was siezed of a lot of Land in Northampton lying at a place called Pokers hole and containing about sixteen acres and three quarters that he, together with his said Wife, agreed to convey the said Lot of Land to M<sup>rs</sup> Abigail Pomeroy of said Southampton and actually received of her the full value thereof, but were prevented from executing the said conveyance by the death of the said Lucy. And praying that he may be impowered to make and execute a sufficient deed of the said lot of Land according to the agreement aforesaid.

[Read and]

*Resolved* and

*Ordered* that the prayer of the foregoing Petition be granted, and that the Petitioner be and is hereby impowered to make a deed of bargain and sale of the piece of Land mentioned in the said Petition to Abigail Pomeroy in the said Petition named, to hold to her in fee simple, and that such Deed when made and executed shall be as valid and effectual in Law to vest the fee simple of the said piece of Land in the said Abigail as a deed of the like form made and executed by the said Petitioner and Lucy deceased, in her life time, would have been. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxx.,  
295.

## CHAPTER 37.

RESOLVE IMPOWERING JONATHAN STONE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative  
Records of the  
Council, xxx.,  
296.

Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Jonathan Stone Guardian to Daniel Haywood jun<sup>r</sup> a minor Setting forth That Daniel Haywood late of Worcester Esq<sup>r</sup> deceased did, by his last Will and Testament, bequeath to his Grandson the said minor a Tract of Land in said Worcester containing twenty two acres with a dwelling house and Barn thereon That the House is not finished and is going to decay and the Fences are much out of repair; that it will be for the advantage of the minor to sell the premises and place the money arising thereby at Interest. And praying that he may be impowered to sell the same accordingly.  
[Read and]

*Resolved* that the prayer of the foregoing Petition be so far granted as that the Petitioner be and he accordingly is hereby fully impowered to make sale of the Estate in his Petition mentioned for the most the same will fetch, and make and execute a good and sufficient deed or deeds thereof, he observing the rules of the Law relating to the sale of Real Estates by Executors and administrators and giving sufficient security to the Judge of Probate for the County of Worcester that the proceeds of such sale shall be immediately after the said sale put to interest for the benefit of the Heir and that the principal and interest shall be paid to him when he shall be twenty & one years of age, or in case of his decease before that time shall be immediately paid to the Legatees or their legal Representatives in such proportions as by the Will of Daniel Haywood Esq<sup>r</sup> they could inherit in case the Estate had not been sold. [*Passed June 16.*]

## CHAPTER 38.

ORDER IMPOWERING THE ASSESSORS OF THE PLANTATION OF EAST HOOSUCK TO ASSESS A TAX OF £16. 6. 7 ON SAID PLANTATION.

Legislative  
Records of the  
Council, xxx.,  
297.

Province  
Laws, v., 317,  
chap. 14; 412,  
note.

ON THE PETITION of Eliel Todd and others of East Hoosuck in the County of Berkshire praying that the Tax set on said Plantation for the year 1772 and 1773 may be remitted.

*Ordered* that the prayer thereof be so far granted that the Province Treasurer be and he is hereby directed to stay his Execution against the Collector of said East Hoosuck for the Tax set on them for the year 1772 until the further Order of this Court. And whereas the sum of Sixteen pounds, six shillings and seven pence set on said plantation for the year 1773 has not yet been assessed. Therefore it is further

*Ordered* that the assessors of said East Hoosuck for the current year be impowered and directed to assess the same sum of Sixteen pounds, six shillings and seven pence upon the said Inhabitants the present year according to the rules and directions given for assessing Province Taxes in the year 1773 and the said assessors are hereby ordered and directed to return a Certificate of the name or names of the Collector or Collectors, Constable or Constables to whom they shall commit a List or Lists of said Tax or assessment, with the sum total to each of them committed unto the Treasurer of the

Province by the first day of December next; and the Treasurer of the Province for the time being on the receipt of such certificate is hereby impowered and ordered to include the same sum in the Warrant or Warrants that he shall issue for the collection of the Tax laid upon the said Plantation for the present year. [*Passed June 16.*]

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## CHAPTER 39.

### ORDER IMPOWERING WILLIAM AND ANDREW SIMONTON TO REENTER AN ACTION.

A PETITION of William Simonton and Andrew Simonton both of Cape Elizabeth [to reenter an action] Read and no answer having been made thereto:

*Ordered* that the prayer of the said Petition be granted, and that the Petitioners be and hereby are allowed to enter their said action anew at the Inferior Court of Common pleas at their next sitting in Falmouth in and for the County of Cumberland, and the Justices of said Court are alike impowered to recommit the said case to the said Referrees, or any others the parties and Court shall agree upon, and upon the report of the said Referrees so agreed upon, made to said Court the Justices of said Court are hereby impowered and directed to make up Judgment thereupon accordingly, and the Judgment made up by said Court on the former report is hereby set aside and made void. [*Passed June 16.*]

Legislative  
Records of the  
Council, xxx.,  
297.

Legislative  
Records of the  
Council, xxx.,  
248.

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## CHAPTER 40.

### RESOLVE CONFIRMING A PLAN OF 430 ACRES AND 2 ROODS OF LAND TO JOSEPH WASHBURNE.

*Resolved* that the Plan of the Tract of Land hereunto annexed containing four hundred and thirty acres and two roods granted to Joseph Washburne in June last lying near the northeast corner of Ashfield bounded northerly on Grants, Easterly on Conway, Southerly on Ashfield, Westerly and partly Southerly on Grants (otherwise bounded as it is delineated and described in the plan) be accepted and hereby is confirmed to the said Joseph Washburne his Heirs and assigns forever; upon condition that he the said Joseph give Bond with sufficient sureties to the Province Treasurer for the sum of Sixty four pounds, eleven shillings and six pence with lawful Interest for the same to be paid in one year for the use of this Province; provided said plan doth not exceed said quantity of Land, nor interfere with any former Grant. [*Passed June 17.*]

Legislative  
Records of the  
Council, xxx.,  
300.

*Ante*, p. 738,  
chap. 60.



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